

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
September 14, 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, Solicitor Michael Gallagher; Engineer Ron Olsen; Public Works Director Mark Lauer; and Township Secretary Martha Hufhand. Daniel Plaisted was absent.

PRAYER & PLEDGE OF ALLEGIANCE

PUBLIC TO BE HEARD:

1. Ronald McCall, W. Brewster Road, was present to meet the Board members and to notify the Board that he has purchased an application for a sewage system and that he will be requesting a building permit as soon as he receives approval of a sewage system.
2. Beverly Schenck, 105 Iroquois Drive, requested that the \$1,000 Mikan paid for appeals to the Zoning Hearing Board be returned since the Township is admitting it made an error.
3. Timothy Beggs: Cox said that the logo Beggs entered for the Township was the winning logo and he thanked him for participating. Cox moved to adopt the logo as the official symbol for Center Township. Erie seconded. Motion carried unanimously. Beggs was given a courtesy dinner from the Texas Road House.

MINUTES:

1. Agenda Setting Meeting: Hortert made a motion to approve the minutes of the Agenda Setting Meeting held August 8, 2005. Flatt seconded. Motion carried unanimously.
2. Regular Meeting: Hortert made a motion to approve the minutes of the Regular Meeting held August 10, 2005. Erie seconded. Motion carried unanimously.

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3. Special Meeting August 31, 2005: Flatt made a motion to approve the minutes of the Special Meeting to reenact and ratify Ordinance 2005-06-03. Erie seconded. Motion carried unanimously.

TREASURER'S REPORT:

1. August 2005: Flatt made a motion to approve the August 2005 Treasurer's Report. Hortert seconded. Motion carried unanimously.

2. Warrant List 05-08-17: Cox made a motion to approve Warrant List 05-08-17. Flatt seconded. Motion carried unanimously.

3. Warrant List 05-09-18: Flatt made a motion to approve Warrant List 05-09-18. Hortert seconded. Motion carried unanimously.

4. CD's: Three CD's matured Sept. 14 with a value of \$302,512.50. The treasurer recommends depositing this money in the Capital Projects checking account, for a total of \$541,639.35 in the account. Seven CD's matured on Sept. 13 with a value of \$700,000. The intersection at 308/Henricks/Sunset and the Rte 8/Rte308/Shanor Heights Intersection and Clearview Mall signal upgrade projects total \$571,145.87. The treasurer recommended cashing in two of the Sept. 13 CD's and rolling over the remaining five to maintain a balance in the Capital Projects Checking Account. Flatt moved to act in accordance with the recommendations of the treasurer. Erie seconded. Motion carried unanimously.

ZONING REPORT - August construction costs were \$990,692, and fees collected \$5,791.

SUBDIVISIONS & LAND DEVELOPMENTS:

1. Advance SFPM approval: Flatt moved to table action until the October meeting. Hortert seconded. Motion carried unanimously.

2. Shady Lane Developers Agreement: Upon the recommendation of the solicitor, Flatt made a motion to approve and to authorize the Chairman to sign the Shady Lane Phase III Developer's Agreement. Hortert seconded. Motion carried unanimously.

3. As Builts: Flatt moved to establish a committee consisting of himself, George White former Planning Commission member, and two members of the PC to be appointed by the PC to study the feasibility and make recommendations for a course of action to examine approved projects as constructed known as as builts. Cox seconded. Motion carried unanimously.

OLD BUSINESS:

1. 2005 Leaf collection: By order of the Department of Environmental Protection the Township does not permit burning leaves. Erie made a motion to authorize bagged leaves to be picked up by the municipality in the R-1 Zoning district on a schedule set by the Public Works Director. Biodegradable bags may be purchased at the Township office. These bags will be taken to a

dumpster located on the Township property behind the mall and disposed of by Larry Waller's company. Residents in other zoning districts can take their bagged leaves to the dumpster site or dispose of them as they have in past years, except they cannot be burned. Flatt seconded. Motion carried unanimously.

2. Flu Shots - October 19 - \$20: Erie made a motion to provide flu shots for employees interested in getting the shots at a cost of \$20 each. Hortert seconded. Motion carried unanimously.

3. Sewage complaint: In regard to this problem, The Center Township Board of Supervisors at their August 31, 2005, meeting held an executive session with John Colombo and their Solicitor, Michael Gallagher, at the request of Colombo, to review certain sewage issues which may result in litigation. The Sunshine Act permits executive sessions so that a municipality may "consult with its attorney or other professional advisor regarding information or strategy in connection with litigation." The meeting was attended by the Board of Supervisors, its Solicitor, Michael Gallagher, and its professional Sewage Enforcement Officer, John Colombo. Colombo seeks the advise and assistance of Gallagher on certain sewage issues which may result in litigation. Colombo suggested that the Board give it some thought before responding to his request. The Chairman called for a motion.

Flatt moved to authorize the solicitor to work with the Sewage Enforcement Officer with this sewage problem that may result in litigation. Erie seconded. Motion carried unanimously.

NEW BUSINESS:

1. Volunteer Fire Co. Resolution 2005-09-17: Flatt made a motion to adopt Resolution 2005-09-17 which provides sovereign immunity to firefighters. Erie seconded. Motion carried unanimously.

2. ADP proposal: Flatt made a motion to stay with Pay Check at \$177.07 a month and to thank the treasurer for his work on this issue. Cox seconded. Motion carried unanimously.

3. CPA or Firm for 2005 Audit: Flatt made a motion to authorize advertising for a CPA or Firm for the 2005 Audit. Hortert seconded. Motion carried unanimously.

4. 2006 Budget Workshop: Hortert made a motion to authorize advertising the 2006 Budget Workshop. Erie seconded. Motion carried unanimously.

5. PA One Call Safety Day - Sept. 29 - Cranberry Twp. No fee: Flatt made a motion to authorize Lauer, Moorhead, Brewster, and Hutchison to attend the Cranberry Twp Safety Day. Cox seconded. Motion carried unanimously.

6. Winter Maintenance Agreement Resolution 2005-09-18: Flatt made a motion to adopt Resolution 2005-09-18 for winter maintenance on Henricks Road from Palmer to 38. Hortert seconded. Motion carried unanimously.

8. Standard Detail 22 Resolution 2005-09-19: Flatt made a motion to adopt Resolution 2005-09-19 which makes changes to the required sump detail. Hortert seconded. Motion carried unanimously.

9. County Annual Fall Convention, \$15 per person at the Vagabond Center: No interest was expressed at this time to attend the convention. Item will be on the October agenda.

PUBLIC WORKS DIRECTOR:

1. Butler County Training - October 12 - Vagabond Center - \$15: Flatt made a motion to authorize Smith, Young, Brewster and Allison to attend the County Safety Training. Hortert seconded. Motion carried unanimously.

2. Fuel Costs: In the event Glassmere (which has purchased Orris which won the 2005 contract) does not honor Orris' bid, Flatt made a motion to authorize readvertising for fuel products. Erie seconded. Motion carried unanimously.

3. Sparky was demonstrated to the attendees. He was purchased for children's awareness programs with a grant of \$9,000.

ENGINEER'S REPORT:

1. Sunset/Henricks/308 Signal: Ground breaking was held and work has commenced on this project.

2. Glenwood Way Bridge: Since the last meeting representatives from the Board, PennDot, Olsen & Oesterling have met at the site. Oesterling is building a temporary bridge for his cement trucks. It is partly on the Township right-of-way and an agreement has been signed by Oesterling that the temporary bridge will be taken down when work commences on the Township bridge. This is all at no cost to the Township. Flatt made a motion to approve the agreement and authorize the Chairman to sign it. Erie seconded. Motion carried unanimously.

3. There was discussion concerning the disposition of the large rocks at the Glenwood Way Bridge. Decision was delayed.

4. GeoMechanics invoice: Action was tabled on how this bill will be paid in order for the solicitor to determine the process.

SOLICITOR'S REPORT:

1. Canadian National Railroad property: Flatt moved to authorize the solicitor to take action to get an appraisal of the property the railroad is turning over to the Township. Erie seconded. Motion carried unanimous.

2. Ratification of ZHB Agreement: Based upon the representation of the Solicitor that the Board of Supervisors "took the position that ordinances (the approving rezoning and the ratification re-enactment of that ordinance) do not comply with all applicable procedural requirements of the Zoning Ordinance and/or the MPC."1. The Zoning Hearing Board entered an order voiding the two ordinance enactments, without the need for hearing - except that the ZHB, for technical reasons,

needs to meet one more time and re-enact the same notice. Flatt made a motion to ratify the representation of the Solicitor that Center Township has taken the position that the ordinances do not comply with all procedural requirements of the Zoning Ordinance and/or the MPC and to direct the Township Secretary to make an annotation in the Ordinance Book upon Ordinance 2005-06-03 as enacted and reenacted/ratified, that Ordinance 2005-06-03 is void and no effect pursuant to the decision of the Zoning Hearing Board of Center Township dated Sept. 13, 2005. Erie seconded. Motion carried unanimously.

3. Schenck’s appeal: This case is scheduled for Commonwealth Court on October 17, 2005. Cox moved to authorize the solicitor to attend this hearing. Erie seconded. Motion carried unanimously. Solicitor said that he would like representatives from the Board to attend.

4. Dunbar appeal: The Township is not involved in this case which is scheduled for October 18.

5. Thompson vs Schenck, Plaisted, Latuska: There has been no action in this civil case for some time. However, Thompson has brought a Praecepto to Place the case on the trial list. She does not have an attorney at this time.

MISCELLANEOUS: At the permission of the Board, Cox made a motion for a job description for a building inspector and code enforcement officer to be added to the agenda. Flatt made a motion for this job description to be finalized by Gallagher, Amendolea, and Rich Round. Hortert seconded. Motion carried unanimously.

ADJOURNMENT: The Board adjourned at 7:40 p.m. to Executive Session to discuss litigation matters. It reconvened the Regular Meeting at 8:08 p.m. with no action taken. Hortert made a motion to adjourn and Flatt seconded. Motion carried unanimously.

MARTHA A. HUFHAND
Township Secretary

DANIEL COX
Chairman

ANDREW ERIE
Vice-Chairman

RONALD FLATT
Supervisor

BRIAN HORTERT
Supervisor

(Absent)
DANIEL PLAISTED
Supervisor