

CENTER TOWNSHIP

419 Sunset Drive

Butler, PA 16001

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Board of Supervisors:  
Ronald Flatt, Chairman  
Andrew Erie, Vice-Chairman  
Brian Hortert, Supervisor  
Edward Latuska, Supervisor  
Thomas Schiebel, Supervisor

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

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BOARD OF SUPERVISORS

Regular Meeting Minutes

April 12, 2006

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

**ROLL CALL:** Present were Chairman Flatt, Vice-Chairman Andrew Erie; Supervisors Brian Hortert, Ed Latuska, and Tom Schiebel; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; Public Works Director Mark Lauer; and Township Secretary Martha Hufhand.

**PRAYER & PLEDGE OF ALLEGIANCE**

**PUBLIC TO BE HEARD:** None.

**VISITOR:** Attorney O'Connor, who has been representing the Township in the Schenck law suits, was present to give a status report of the last case. He said that Judge O'Brien made the decision that the suit lacked legal validity and dismissed the case. Schenck appealed to the Commonwealth Court which issued a ruling 2 to 1 affirming O'Brien's decision. One does not have a discretionary right for the Supreme Court to hear an appeal. Schenck has filed requesting a hearing, and the Township has filed a brief in opposition. In his experience, it may be a year before a decision about hearing the case is made, and if it is accepted, another year before the actual hearing.

**MINUTES:**

- 1. Latuska made a motion to approve the minutes of the Agenda Setting Meeting held March 6, 2006. Hortert seconded. Motion carried unanimously.*
- 2. Latuska made a motion to approve the minutes of the Regular Meeting held March 8, 2006. Hortert seconded. Motion carried unanimously.*
- 3. Hortert made a motion to approve the Morgan sewage issue Special Meeting held March 14, 2006. Schiebel seconded. Motion carried. Erie and Latuska abstained as they did not attend the meeting.*

**TREASURER'S REPORT:**

1. *Flatt made a motion to approve the March 2006 Treasurer's Report. Schiebel seconded. Motion carried unanimously.*
2. *Hortert made a motion to approve Warrant List 06-03-07. Latuska seconded. Motion carried unanimously.*
3. *Flatt made a motion to approve Warrant List 06-04-08. Latuska seconded. Motion carried unanimously.*
4. *Flatt made a motion to ratify the investment of \$350,000 in a 6-month CD at a rate of 5.08%. Erie seconded. Motion carried unanimously.*

**ZONING REPORT** - March construction costs were \$657,095 and fees collected \$3,998.

**SUBDIVISIONS & LAND DEVELOPMENTS:**

1. Ellsworth Johnston, Palmer Rd, Land Development 06-02-03, Final Approval: Engineer S. D. Graff presenting. *Flatt made a motion to grant the request for a modification to Chapter 14, Article 4, Section 14.03 of the ordinance to grant preliminary and final at the same time. Latuska seconded. Motion carried unanimously. Flatt made a motion to grant final approval to the Johnston Land Development. Latuska seconded. Motion carried unanimously.*
2. William Holbein, 130 Holbein Ln, Minor Subdivision 06-03-04, Final Approval: Ron Bole presenting. *Flatt made a motion to authorize the Chairman to sign the Sewage Facilities Module Plan for this subdivision. Erie seconded. Motion carried unanimously. Flatt made a motion to grant final approval to the Holbein Minor Subdivision consistent with Chapter 14, Article 14, Section 14.03G, signatures contingent upon receipt of the impact fee. Erie seconded. Motion carried unanimously.*
3. Donald Chilcott (Verizon Wireless) 1615 N. Main St. Ext, Conditional Use 06-02-02: *Hortert made a motion to schedule a public hearing for Verizon Wireless at 6 p.m., May 8, 2006. Schiebel seconded. Motion carried unanimously.*

**OLD BUSINESS:**

1. Noncompliant building permits: *Schiebel made a motion to table further action on this issue until other options are determined. Hortert seconded. Motion carried unanimously.*
2. Aubrey Rezoning Request: *Flatt made a motion to schedule a public hearing at 6:30 p.m., May 17, 2006, and to authorize advertising for the public hearing and the proposed ordinance. Hortert seconded. Motion carried unanimously.*

3. Traffic Signal Renovation: *Flatt made a motion to authorize Bronder to update the traffic signal at Rte 8 and Mercer Road at a cost of \$21,096.99. Erie seconded. Motion carried unanimously. Schiebel made a motion to authorize Bronder to update the traffic signal at Unionville/Rte 8/Mahood Intersection at a cost of \$3,103. Erie seconded. Motion carried unanimously.*
4. County - Glenwood Way Bridge Fund: *Erie made a motion for the Chairman and Secretary to sign the Application for County Aid for \$10,000 for the Glenwood Way Bridge project. Latuska seconded. Motion carried unanimously.*
5. Rescind Sewage Agreement: *Flatt made a motion to rescind the authority to permit developers to get a building permit during the sewage permit ban so long as they signed an agreement holding the township not responsible for future permits. Erie seconded. Motion carried unanimously.*
6. Pelusi Public Hearing: *Flatt made a motion to schedule a public hearing at 6:30 p.m., June 7, 2006, and to authorize advertising for the public hearing and the enactment of the ordinance. Hortert seconded. Motion carried unanimously.*
7. Tip Program - Benbrook/Rte 8: *Hortert made a motion to authorize applying for the Tip Program for the Benbrook/Rte 8 intersection and to include an agreement to contribute up to \$250,000 from the township for this project. Schiebel seconded. Motion carried unanimously.*

**NEW BUSINESS:**

1. County Convention - Butler Country Club - May 18 - \$23: *Flatt made a motion to authorize Supervisor Andy Erie, Public Works Director Mark Lauer, and Tax Collector Judy Heichel to attend the County Convention. Hortert seconded. Motion carried unanimously.*
2. Letter to PAWC: *Erie made a motion to authorize the Chairman to sign a letter to PAWC assuming responsibility by the township to pay rental fees for hydrants on the 2006 water line expansion. Schiebel seconded. Motion carried unanimously.*
3. Bash Ag Security: The Board agreed to allow the request to be deemed approved after the 180-day waiting period.
4. Meadville DEP Meeting - April 18: *Hortert made a motion to authorize Supervisor Andy Erie and Building Code Inspector Richard Round to attend the DEP meeting regarding the sewage permit ban. Schiebel seconded. Motion carried unanimously.*
5. Cell Tower ordinance: *Flatt made a motion to draft an ordinance with the input from the solicitor and engineer prior to presenting it to the Planning Commission permitting cell towers in the R-1A zoning district as a conditional use. Erie seconded. Motion carried unanimously.*

**PUBLIC WORKS DIRECTOR:**

1. PA Clean-Up Day - April 22: There will be two drop spots - at the Maintenance property and at the township property behind the Mall. They will be open from 9 a.m. to 1 p.m.
2. 2006 Paving Program: *Hortert made a motion to authorize advertising for bids for the 2006 Paving Program. Erie seconded. Motion carried unanimously.*
3. Line painting: *Hortert made a motion to authorize advertising for bids for up to 500,000 feet of line painting. Erie seconded. Motion carried unanimously.*
4. Rent equipment: *Erie made a motion to authorize seeking bids for rental equipment for the sealing project. Hortert seconded. Motion carried unanimously.*
5. Personnel: *Erie made a motion to hire Jeff Winchester for the road crew to replace Neil Hutchison who retired effective April 26, 2006. Effective date of hire will be May 1, 2006, at a salary of \$13.08, with 40 hours of sick time and 40 hours of personal time. He will have a 180-day waiting period for health benefits, and after one year will earn 40 hours of vacation time. Flatt seconded. Motion carried unanimously.*
6. Township Secretary: Hufhand has submitted her resignation. Effective date to be worked out with the Board.

**ENGINEER'S REPORT:**

1. Glenwood Way- Bid Pack (Ground breaking invitations): Everything is going smoothly in the bid process. When a date is set for groundbreaking, *Flatt made a motion authorizing contacting former board members, county commissioners, and other elected official to attend. Erie seconded. Motion carried unanimously.*
2. Road Painting on Rte 308/Sunset/Henricks intersection: *Flatt made a motion to ratify the vote which was taken April 10, 2006, to authorize the road painting as specified by the engineer to be done at a cost of \$1,380. Erie seconded. Motion carried unanimously.*

**QUESTION:** Without objection, Latuska queried the solicitor on two items:

1. The Coyle case - he was advised that this was the case of a fall on an exposed pipe which the township did not install. The township took corrective action to remedy the problem.
2. He questioned if background on the attorney advising Schenck was really necessary in an opinion he provided to the Board. The solicitor said that it is always important to know everything you can about your adversary.

**SOLICITOR'S REPORT:**

1. Morgan Wall Agreement: On advise of the solicitor, *Hortert made a motion to authorize the chairman to sign this agreement contingent upon receiving the original. Erie seconded. Motion carried unanimously.*
2. Pheasant Ridge Drive adoption: *Erie made a motion to authorize advertising for adoption of Pheasant Ridge Drive by the Township. Hortert seconded. Motion carried unanimously.*
3. McCall Maintenance Agreement: McCall has not signed the agreement. *Latuska made a motion to send a letter to him that if he has not signed the agreement within 10 days, the township will go back to the courts requesting sanctions. Erie seconded. Motion carried unanimously.*
4. Holding Tank Ordinance: *Latuska made a motion to authorize advertising the ordinance. Schiebel seconded. Motion carried unanimously.*

**EXECUTIVE SESSION:** The Board adjourned to Executive Session at 7:40 p.m. Public was advised that the Board will return to the Regular Meeting and may be voting on actions to be taken to replace the Township Secretary who has resigned.

**ADJOURNMENT:** Regular Meeting reconvened at 8:07 p.m. *A motion was made by Flatt and seconded by Erie to advertise for a Township Secretary. Motion carried unanimously. A motion was made by Latuska for the Regular Meeting to adjourn at 8:08 p.m. Hortert seconded. Motion carried unanimously.*

MARTHA A. HUFHAND  
Township Secretary

RONALD FLATT  
Chairman

ANDREW ERIE  
Vice-Chairman

EDWARD LATUSKA  
Supervisor

BRIAN HORTERT  
Supervisor

THOMAS SCHIEBEL  
Supervisor