

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

BOARD OF SUPERVISORS

Regular Meeting Minutes

June 14, 2006

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 Ronald Flatt at the Center Township Municipal Building, 419 Sunset Drive, Butler, Penna.

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

PUBLIC TO BE HEARD: Harvey Hulver of Lakeview Drive requested a time when the township will correct the water run-off problem he has. Flatt said that he and the Public Works Director will look at the situation and decide how and when it will be corrected. Hulver will be told when the evaluation will take place.

PUBLIC WORKS DIRECTOR:

1. *Schiebel made a motion to award the contract for aggregate to McClymonds for the #8 gravel at \$16.40/ton; and to Quality Aggregate, Inc, for #8 limestone at \$13.33/ton, #3 at \$11.35/ton, #2A modified at \$11.35/ton, and RipRap at \$12.19/ton. Erie seconded. Motion carried unanimously.*

2. *Flatt made a motion to award the contract for emulsion to Russell Standard for a bid of \$52,400. Erie seconded. Motion carried unanimously.* Glenn O Howbaker, Inc. bid \$53,120.

HAWK RECORDS REQUEST: Attorney Hawk has requested a copy of a memo prepared by Gallagher in the Schenck right-to-know case. He has been denied and has filed an exception. Attorney O'Conner who is acting together with Gallagher in this case said that he reviewed this request and the memo is protected by attorney/client privilege and work product. The Board would have to vote to waive the privilege. One member reading the memo does not waive the privilege. The Board is required to vote on Hawk's exception and to either accede or deny. The statement that privilege was waived because it was read at the public meeting does not waive the privilege because

it was not written into the minutes. Schenck disagreed with his statements. O'Conner said that attorney-to-attorney does not break the privilege as they are working together and represent the Board. ***Flatt made a motion to deny Hawk's request for records and said that this memo should not be made public. Erie seconded. Schiebel, Flatt, and Erie voted yes. Latuska voted no. Motion carried. Flatt directed attorney O'Conner to prepare findings of facts in answer to the request. Erie seconded. Erie, Schiebel and Flatt voted in agreement. Latuska abstained. Motion carried. Flatt made a motion to authorize the solicitor to send a letter to Hawk. Schiebel seconded. Erie, Schiebel and Flatt voted in agreement. Latuska abstained. Motion carried.***

Schenck questioned why the township is using a Pittsburgh attorney. Flatt said that Gallagher's field of work is municipal, and the township is keeping this at arm's length to keep it as impersonal as possible. Gallagher noted that Schenck as supervisor used Attorney O'Conner first. Flatt said to Schenck that she is a resident of the township and cares about spending. However, she is the litigant and so it is not up to the litigant to choose how the defendant defends itself. Schenck said the insurance would cover this case. Flatt noted that the insurance company was not moving promptly, and O'Conner is extremely quick. He cited another matter in which Schenck was the defendant where the insurance counsel was less than effective.

MINUTES:

1. Verizon/Chilcott Public Hearing: ***Latuska made a motion to approve the minutes of the May 8, 2006, Public Hearing for the Verizon/Chilcott land development. Erie seconded. Motion carried unanimously.***
2. Agenda Setting Meeting, May 8: ***Latuska made a motion to approve the minutes of the Agenda Setting Meeting held May 8, 2006. Schiebel seconded. Motion carried unanimously.***
3. Regular Meeting May 10: ***Latuska made a motion to approve the minutes of the Regular Meeting held May 10, 2006, with a correction on page 3, Engineer's Report #1, Line 4 change Mong to 'Mingo.' Erie seconded. Motion carried unanimously.***
4. Aubrey Public Hearing: ***Latuska made a motion to approve the minutes of the May 17, 2006, Public Hearing for the Aubrey Rezoning. Erie seconded. Motion carried unanimously.***

TREASURER'S REPORT:

1. ***Flatt made a motion to approve the May 2006 Treasurer's Report. Schiebel seconded. Motion carried unanimously.***
2. ***Flatt made a motion to approve Warrant List 06-05-11. Erie seconded. Motion carried unanimously.***
3. ***Flatt made a motion to approve Warrant List 06-06-12. Erie seconded. Motion carried unanimously.***

4. *Flatt made a motion to approve Warrant List 06-06-13. Erie seconded. Motion carried unanimously.*

5. *Latuska made a motion to authorize the Treasurer to receive rates as before to reinvest a CD which matures July 9 with a value of \$267,500, and for the investment to be approved by any two supervisors. Erie seconded. Motion carried unanimously.*

ZONING REPORT - May construction costs were \$599,275.80 and fees collected \$3,137.

SUBDIVISIONS & LAND DEVELOPMENTS:

1. Verizon/Chilcott, 1615 N Main St, Land Development #06-05-09, Robert Wratcher of Horizon 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 approval at the same time. Erie seconded. Flatt made a motion to grant final approval to the Verizon/Chilcott Land Development with signatures being held contingent upon the bonding and escrow being received to the satisfaction of the engineer. Erie seconded. Motion carried unanimously.*

Mr. Pelusi entered into the discussion of the cell tower contending that he heard someone behind him at the last meeting say that the Township would compensate him with \$50,000 since he was not approved to rezone his property for a cell tower. The Chairman assured Pelusi that no board member had made a statement like that. He also noted that Pelusi had pulled his request and that his property is not zoned for a cell tower.

2. Compagnone/Smith, Benbrook/Sunset Rt 8, Minor Subdivision #06-05-09, Cheryl Hughes of Land Surveyors presenting. *Flatt made a motion to grant the modification to Chapter 14, Article IV, 14.403B3 as to scale of the drawing. Erie seconded. Motion carried unanimously. Flatt made a motion to grant final approval to the Compagnone/Smith Minor Subdivision. Erie seconded. Motion carried unanimously.*

OLD BUSINESS:

1. McCall Sewage: *Flatt made a motion to authorize the Township Secretary to sign Resolution 2006-06-02 for the McCall small flow sewage system module. Erie seconded. Motion carried unanimously.*

2. Aubrey Rezoning Request, Ordinance 2006-06-04: *Flatt announced that a letter has been received from the applicants requesting withdrawal of the request to rezone. Erie made a motion to grant the withdrawal. Schiebel seconded.* Latuska said that he would rather deny the request to withdraw because Heist was not permitted to withdraw and the people near this property want a resolution. Flatt said that Heist was given a date certain to be allowed to withdraw and to bring in a letter and he failed to do so. Also, in a conversation with Aubrey on technical details of the matter,

Aubrey indicated that he had misunderstood the problem with the Heist property being included in his request to rezone. *Flatt, Erie, and Schiebel voted in favor of the motion. Latuska voted against. Motion carried.*

3. Weser Conditional Use: *Latuska made a motion to grant approval for the Weser request for conditional use of property at 101 Walker Drive for a combination Dental Clinic and Beauty Salon. Erie seconded. Motion carried unanimously.*

NEW BUSINESS:

1. New Hire: Erie *made a motion to hire Stephanie Sellers effective June 19, 2006, to fill the part-time position of Board Secretary and as Township Secretary. Her appointment is for \$11 per hour, 27 hours a week, 40 hours personal time a year, 40 hours sick time, with 5 days vacation starting after one year of service, and one day added each additional year. No benefits are included. Flatt seconded. Motion carried unanimously.*

2. Brewster's Wages: *Erie made a motion to approve Brewster's wages to be set at the 90% level with back pay to his anniversary date. Schiebel seconded. Motion carried unanimously.*

3. Zoning Officer Training: *Flatt made a motion to authorize the Zoning Officer to attend training in Mercer on August 22 which covers the duties of a zoning officer and authorized payment of the \$25 registration fee. Schiebel seconded. Motion carried unanimously.*

4. Signs for Blossom Ridge: *Flatt made a motion to authorize installing 25 mph signs in the Blossom Ridge development consistent with PennDot regulations for signage. Erie seconded. Motion carried unanimously.*

5. Trinity Church boundary: A problem is occurring at Route 308 and Henricks Road where large trucks are running onto Trinity Lutheran Church property. *Flatt made a motion to authorize the Public Works Director to prepare a recommendation to the Board for an appropriate solution to the problem and to use the engineer, solicitor and Bronder as needed in preparing the recommendation. Erie seconded. Motion carried unanimously.*

6. Hutchison retirement: *Flatt made a motion to authorize payment of the May health benefit to Neil Hutchison and to deny his request for payment of vacation which would accrue in 2006. Schiebel seconded. Motion carried unanimously.*

ENGINEER'S REPORT:

1. Olsen will be submitting the final IA invoice for the construction of the Rte 308/Henricks/Sunset traffic signal at the July meeting. The requested extra costs on this project were not all needed as there were savings in other portions of the contract so that it will be coming in very close to the contract price.

2. Glenwood Way: Erie, Olsen, and Amendolea visited PennDot for the finalization of the contract with Mingo Creek for the Glenwood Way Bridge. Work has already begun, and it is anticipated that the work will be completed by the end of November. The contractor requested an extension of 4-days because of the delay in the final letting of the contract.
3. Water line expansion: Olsen will be working with the Pennsylvania American Water Company on the 22,000 feet extension of the water line which is to commence on June 19 and will take 3 months to complete. PAWC will pay Olsen's fees. Olsen noted that Erie should be credited for working with PAWC and the residents in getting this project underway.

SOLICITOR'S REPORT:

1. *Flatt made a motion to authorize readvertising the Impact Fee Ordinance because of an error on the Eagle ad. The solicitor will pay for this additional ad. Erie seconded. Motion carried unanimously. Flatt moved to schedule a Special Meeting for this ordinance June 26 at 6 p.m. Schiebel seconded. Motion carried unanimously.*
2. Impact Fee mylar statement: The solicitor and Dan Santoro, Chairman of the Impact Fee Committee, have approved the statement prepared by Amendolea to be placed on all mylars.
3. DEP Meeting: *Flatt moved to authorize Gallagher, Round, and Erie to attend a DEP meeting reference sewage issues to be held at 9:30 a.m., July 7, in Meadville. Schiebel seconded. Motion carried unanimously.*

MISCELLANEOUS:

1. Leaf Burning: Schenck again questioned whether leaf burning should be allowed in the Township. Without objection, *Flatt added a motion to the agenda to reconsider leaf burning and to refer this subject to the Planning Commission for review and recommendation. Schiebel seconded. Flatt, Schiebel, and Latuska voted in favor. Erie opposed.* It was noted that \$2,899 dollars was received in grant money because the Township did not burn leaves, and there are health concerns when leaves are burning.
2. Condolence: Erie said that fire fighter Don Hepler died two days ago. He was very active with youth baseball, a family man, leaving a wife and five children.
3. Farewell: The Chairman noted that this is the last meeting of Martha Hufhand as she is resigning as of June 16.

ADJOURNMENT: *Erie made a motion to adjourn at 8:15 p.m. Schiebel seconded. Motion carried unanimously*

MARTHA A. HUFHAND
Township Secretary

RONALD FLATT
Chairman

ANDREW ERIE
Vice-Chairman

EDWARD LATUSKA
Supervisor

(Absent)
BRIAN HORTERT
Supervisor

THOMAS SCHIEBEL
Supervisor