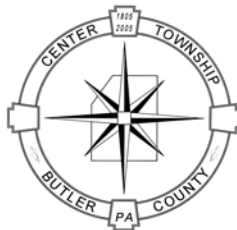


Board of Supervisors:
Ronald Flatt, Chairman
Andrew Erie, Vice Chairman
Brian Hortert, Supervisor
Edward Latuska, Supervisor
Thomas Schiebel, Supervisor



Michael Gallagher, Solicitor
Olsen & Associates, Engineer
Stephanie Sellers, Secretary
Anthony Amendolea, Treasurer
Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Official

BOARD OF SUPERVISORS

Regular Meeting Minutes

October 10, 2007

6:30 p.m.

CALL TO ORDER: Chairman Flatt called the meeting to order at 6:30 P.M. at the Center Township Municipal Building, 419 Sunset Drive, Butler, PA 16001.

ROLL CALL: Present in addition to Flatt were; Vice Chairman Andrew Erie; Supervisors, Ed Latuska, Brian Hortert, and Thomas Schiebel; Township Solicitor, Mike Gallagher; Township Engineer, Ron Olsen; Public Works Director, Mark Lauer; Township Secretary, Stephanie Sellers.

PUBLIC TO BE HEARD:

1. Audie Dunbar asked the Supervisors to vote against the Manor Development conditional use request.
2. Steve Bash of Moore Road asked the status of paving for Moore Road. He was informed that the Public Works Department is waiting for the last bid.
3. Clair Delair of East Brewster Road told the Supervisors that he is very pleased with the excellent work the Road Crew did on his road. Also, asked the Supervisors to vote against the Manor Development request.
4. Terry Killean of South Benbrook Road asked the Supervisors to vote against the Manor Development request. He would like to see the area undeveloped.
5. Renee Bloom of South Benbrook told the Supervisors she concurs with what her neighbors have said.

MINUTES:

1. Supervisor Latuska made a motion to approve the September 10, 2007 Agenda Setting Meeting Minutes. Supervisor Hortert seconded the motion. The motion carried unanimously.

2. Supervisor Latuska made a motion to approve the September 12, 2007 Regular Mtg. Minutes with the correction on page 3, second paragraph under Engineer's Report to say, "Additional work is needed at the end of the Drive to decrease the amount of water before the road can be adopted." And the correction on page 4, point number 1, under Solicitor's Report to read, "Supervisor Flatt made a motion to authorize the Solicitor to set up a meeting with a Canadian National Railroad representative and a PennDot representative to resolve the errors disclosed by PennDot." Supervisor Hortert seconded the motion. The motion carried unanimously.

3. Supervisor Latuska made a motion to approve the September 18, 2007 Public Hearing Minutes. Supervisor Schiebel seconded the motion. The motion carried unanimously.

4. Supervisor Latuska made a motion to approve the September 19, 2007 Public Hearing Minutes. Supervisor Hortert seconded the motion. The motion carried unanimously.

5. Supervisor Latuska made a motion to approve the September 20, 2007 Public Hearing Minutes. Supervisor Hortert seconded the motion. The motion carried unanimously.

TREASURER'S REPORT:

1. Supervisor Schiebel made a motion to approve the September 2007 Treasurer's Report. Supervisor Hortert seconded the motion. The motion carried unanimously.

2. Supervisor Schiebel made a motion to approve Warrant List #07-09-20. Supervisor Hortert seconded the motion. The motion carried unanimously.

3. Supervisor Schiebel made a motion to approve Warrant List #07-10-21. Supervisor Hortert seconded the motion. The motion carried unanimously.

4. Chairman Flatt noted the preliminary budget report is available to view.

ZONING REPORT- The construction cost for the month of September were \$1,631,850. Fees collected were \$7,319.88.

OLD BUSINESS:

1. Chairman Flatt made motion to approve Liberty and SBA's conditional use request for cell towers, with the condition that each applicant file appropriate information and pay fees that are required by Township ordinance annually. And, each applicant replace and maintain screening vegetation currently in existence. Vice Chairman Erie seconded the motion. All members of the Board voted yes for approval. The motion carried unanimously.

2. Supervisor Latuska made a motion to deny the conditional use request of Manor Development because of the sewage issue and what the BASA representative's opinion was in regard to private treatment facilities. Latuska would not be comfortable supporting a sewage facility because ultimately, if something were to go wrong, it would become the Township's problem that would further burden the tax payers of Center Township. He also believes it would be a negative impact on the public because the roads to the development would be private and children would be at risk while waiting on Benbrook Road for their bus.

Vice Chairman Erie seconded the motion to deny because the majority of residents at the hearing spoke against the request, fears it would devalue neighboring properties, and does not want to see a private treatment facility.

Chairman Flatt voted to deny because of the negative recommendations from the Township's Zoning Official, Rich Round, and negative recommendation from Planner, Jeff Pierce. Also, Flatt believes the request is in conflict with Chapter 20 ordinance, our purpose statement of limited density, and our conditional use application. Also, because of sewage problems with B.A.S.A., Flatt does not believe they will be solving their problems quickly or efficiently, that could result in the Township becoming responsible for a sewage facility. Flatt will not

choose to permit a plant of this size in the Township.

Supervisor Hortert responded to previous comments about the local elementary school 's ability to handle growth. After speaking with the Principal, he was assured that the school is positioned for growth. Also , he wanted neighbors to be aware that restrictive covenants are a private neighbor issue and do not apply in this situation. Supervisor Hortert thinks there were many unanswered questions regarding foundations, sewage issues, type of homes, lot lines, and property ownership that left him wondering what the final product would be. *He voted to deny because he does not believe the applicant has met all the requirements.*

Supervisor Schiebel agrees that he would not like this development next to his house, but believes the applicant met the requirements of conditional use. He believes the issues raised at the hearings are more for the land development stage of the process, not the conditional use part of it. Therefore, voted to approve the request.

The motion to deny carried 4 to 1. The Conditional Use request was denied.

3. There were no comments in regard to employee flu shots.

SUB DIVISIONS AND LAND DEVELOPMENT:

1. *Supervisor Schiebel made a motion to table the Community Alliance Church, Land Development #07-08-15, for final approval. Supervisor Hortert seconded the motion. The motion carried unanimously.*

2. Hillorie Morrison, a Liberty Towers representative, presented to the Supervisors, a subdivision for 1309 Sunset Drive. She wanted the Supervisors to know that she is still concerned that Crowne Point is building a cell tower located in Center Township, not Clay Township.

Chairman Flatt made a motion to grant preliminary and final approval of Liberty Towers minor subdivision, # 07-09-16 *withholding signatures on the plan until the non building waiver is noted on the plan and a statement added to the plan that it will be used exclusively as communications site. Supervisor Latuska seconded the motion. The motion carried unanimously.*

Chairman Flatt made a motion to grant modification to Chapter 14 , Article 4 G. 1.b. 14-403 to allow for meets and bounds description of the property to replace the survey of the entire tract. Supervisor Latuska seconded the motion. The motion carried unanimously.

3. *Supervisor Latuska made a motion to grant preliminary and final approval of the SBA Cell Tower minor subdivision, # 07-08-14 withholding appropriate signatures, contingent upon adding a statement to the plan that it is a non building lot and the non building waiver added to the plan. Supervisor Schiebel seconded the motion. The motion carried unanimously.*

NEW BUSINESS:

1. No recommendation was made in regard to Shady Lane Farms.

2. *Supervisor Hortert made a motion authorizing the Chairman and the Secretary to sign the PennDot Agility Agreement, resolution # 2007-10-10. Vice Chairman Erie seconded the motion. The motion carried unanimously.*

3. *Erie made a motion to release \$46,429.98 to Unionville, and \$11,607.50 to Oneida Valley Fire Departments. This money comes from the Annual Foreign Fire Insurance payment which was \$58,037.48. Motion seconded by Schiebel. The motion carried unanimously.*

PUBLIC WORKS DIRECTOR:

1. *Flatt made a motion to allow workers compensation coverage for October 12, 2007 for the volunteer fire members of Unionville Fire Department as they travel to Meyersdale Pa. Erie seconded the motion. The motion carried unanimously.*

ENGINEER'S REPORT:

1. Ron Olsen showed updates to be made to the Act 537 BASA Special Study. These changes are more detailed information of possible areas requesting public sewage in the future.

SOLICITOR'S REPORT:

1. *Latuska made a motion to authorize the solicitor to draft a findings of fact for the conditional use decisions. Schiebel seconded the motion. The motion carried unanimously.*

2. Mike Gallagher asked for a month to continue with the Center Township Athletic Association Lease agreement.

3. Mike Gallagher reminded the Supervisors that a meeting still needs to be scheduled for the Canadian National Railroad to resolve the invoice.

4. Mike recommended to the Supervisors that the Zoning Official file with the local magistrate for the collection of the T-Mobile 2007 Registration Fee. *Supervisor Latuska made a motion to authorize Rich Round starting those procedures. Vice Chairman Erie seconded the motion. The motion carried unanimously.*

MISCELLANEOUS:

1. *Supervisor Schiebel made a motion to authorize the Township Engineer to seek an appraisal of two properties the Township is interested in for a future Maintenance Building. Chairman Flatt seconded the motion. The motion carried unanimously.*

2. Trick or treat night is scheduled for October 31, 2007 from 6:00 until 7:00 P.M.

ADJOURNMENT: The Supervisors adjourned to executive session at 7:50 P.M. to discuss litigation with no votes to be taken. The meeting reconvened at 8:05 with *Hortert making a motion to adjourn the Regular Meeting. Supervisor Schiebel seconded the motion. The motion carried unanimously.*

STEPHANIE SELLERS
Township Secretary

RONALD FLATT
Chairman

ANDREW ERIE
Vice-Chairman

EDWARD LATUSKA
Supervisor

BRIAN HORTERT
Supervisor

THOMAS SCHIEBEL
Supervisor