

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



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

Board of Supervisors
Regular Meeting
March 11, 2009
6:30 p.m.

CALL TO ORDER:

Chairman Ron Flatt called the agenda setting meeting, of the Center Township Board of Supervisors, to order at 6:30 p.m. The meeting was held at the Township Building at 419 Sunset Drive, Butler, PA 16001.

ROLL CALL:

Present in addition to Chairman Flatt, were members Andrew Erie, Brian Hortert, Ed Latuska and Tom Schiebel; Township Solicitor, Mike Gallagher; Township Engineer, Ron Olsen; Public Works Director Mark Lauer and Township Secretary Crystal Wilson.

PUBLIC TO BE HEARD:

Hortert made a motion to move Old Business; Aubrey Rezoning Request Ordinance No. 2009-03-02 to now due to the amount of people that are in attendance for this matter; seconded by Erie. Motion carried unanimously

OLD BUSINESS:

1. Aubrey Rezoning Request- Ordinance No. 2009-03-02-
Hortert made a motion to approve ordinance no. 2009-03-02 to accept George Aubrey's request for rezoning; seconded by Erie. Motion carried 3 to 2.
The Board made the following comments as to why they voted the way they did.
Schiebel –No; Stated that there was enough discussion in the past and didn't wish to comment again.
Hortert- Yes; Stated that part of the reason why he had voted no in the past was due to 2 issues that have since been resolved.
 1. ***He wasn't convinced that Mr. Thomas was on board and has since got clarification that he is.***
 2. ***The ongoing BASA issue that has since been resolved because BASA made the decision to find a way to get holding tanks for the developments.***

Flatt-Yes; stated that he voted the way he did because:

- 1. Stated that he always favored a zoning change in this area, and extensively listed his rationale at the time of a similar application in 2005, so he will not reiterate his lengthy list of reasons. He stated that his reason for voting twice against similar requests was the uncertainties regarding BASA and sewage.**
- 2. In testimony at the public hearing the statement was made that “nothing has changed” since he voted against a similar request when he stated that it would be “unlikely” that he would ever support such a request. He stated that BASA has changed by permitting holding tanks for developments capable of needing them.**
- 3. The “what distinguishes these parcels’ argument is answered by the fact that now most of the adjoining parcels in Butler Township are R-2 also. This removed the possibility that this request is spot zoning. He stated that he confirmed this zoning change with Cindy Davis of Butler Township.**
- 4. The “rezoning should not be to the benefit of one individual’ argument is answered by the fact that there are three applicants, not just one. The Center Township Planning Commission voted in favor of this request because they saw this change as good of Center Township overall, he stated that he would say more about the Planning Commission later.**
- 5. The false promises or plans argument is answered by the fact that no development plans have been submitted to or approved by Center Township for these parcels, so there has been no failure to perform in Center Township.**
- 6. He stated that he concurs with the testimony that the request is consistent with the Center Township Comprehensive Plan. He also stated that he thinks the Comprehensive Plan is the expressed will of the residents of Center Township by its adoption following the legal process of hearings prior to its adoption.**
- 7. He stated that he also concurs that the request is consistent with and envisioned by our Traffic Impact Program. He also stated again, this program is the expressed understanding of growth patterns by Center Township residents as it was adopted following requires public hearings.**
- 8. He stated that residential growth on these parcels under current zoning with permitted on-lot septic systems is contrary to the health, safety, and welfare of the residents of Center Township and the adjoining residents of Butler Township. The extension of municipal sewage is very important to me, Flatt stated and our R-2 zone requires municipal sewage he added.**
- 9. Lastly he stated that the Center Township Planning Commission voted unanimously in favor of this request thinking it a positive good for Center Township and he stated that he respects and has confidence in their judgment.**

Erie-Yes; stated that it now fits the comprehensive plan and stated that he didn't think it was spot zoning.

Latuska- No; stated that there wasn't sufficient ~~enough changes~~ information presented at the public hearing to change his vote. Stated that he felt that it was spot zoning and that nothing had changed from two years earlier.

MINUTES:

1. Public Hearing- Smith Rezoning Hearing- February 9, 2009
Latuska made a motion to approve the Smith rezoning minutes for 02/09/09 with the following correction, under public to be heard, Joe Green, last sentence should read, Stated that (now instead of know) that he understands.; seconded by Hortert. Motion carried unanimously.
2. Agenda Setting Meeting- February 9, 2009
Flatt made a motion to approve the agenda setting meeting minutes with the Dahlkemper being spelt as such, instead of Dehlkemper; seconded by Hortert. Motion carried unanimously.
3. Regular Meeting- February 11, 2009
Hortert made a motion to approve the Regular Meeting Minutes for 02/11/09; seconded by Flatt. Motion carried unanimously.
4. Public Hearing- Aubrey Rezoning Hearing- February 18, 2009
Flatt made a motion to approve the Aubrey rezoning minutes for 2/18/09 with the following corrections; stated to number pages; Page 3 line 6 not instead of no; Topography spelt as such throughout the document instead of typography; Keffalas spelt as such throughout the document instead of Kaffales; page 8 line 8, should be know instead of now; same page line 11 should be past instead of pass; page 11 line 7 should be throw instead of through; same page line 19 should be rule instead of roll; page 12 second line from the bottom, should be our instead of are; page 13 line 21 should be belief instead of believe; page 14 second line from the bottom, should be golf instead of gold; seconded by Hortert. Motion carried unanimously.

TREASURER'S REPORT:

1. January 2009
Schiebel made a motion to approve the January 2009 treasurer's report; seconded by Hortert. Motion carried unanimously.
2. February 2009
Schiebel made a motion to approve the February 2009 treasurer's report;

seconded by Hortert. Motion carried unanimously.

3. Warrant List 09-02-04
Schiebel made a motion to approve warrant list 09-02-04; seconded by Hortert. Motion carried unanimously.
4. Warrant List 09-03-05
Schiebel made a motion to approve warrant list 09-03-05; seconded by Hortert. Motion carried unanimously.
5. Building Fund CD
Flatt made a motion to authorize the Township Treasurer to seek rates to reinvest \$100,000.00 for 180 days and to deposit \$64,302.60 including interest into the Capital Projects checking account; subject to two Supervisors approval to be ratified at our next meeting; seconded by Erie. Motion carried unanimously.
6. Capital Projects CD
Flatt made a motion to authorize the Township Treasurer to seek rates to reinvest \$250,000.00, dedicated to the fire truck, for 360 days and reinvest \$230,000.00 for 180 days and deposit \$2,500.23 including interest in to the Capital Projects checking account; subject to two Supervisors approval to be ratified at our next meeting. Motion carried unanimously.

ZONING REPORT: February 2009

SUBDIVISION & LAND DEVELOPMENTS:

1. Dunkerley Subdivision- Mindy Dunkerley represented her plan to consolidate her two parcels into one. Stated that her grandparents had passed away and she had purchased the second parcel. She wishes to move a shed on the property but needs to consolidate in order to do so. Olsen had no comments.
Flatt made a motion to grant final approval of the Dunkerley subdivision based on the recommendation of the Township Engineer and the Planning Commission; seconded by Erie. Motion carried unanimously.
2. McAndrew Subdivision- Ron Bole represented this plan to divide to parcels into four, lots 2, 3, and 4 being sold off and lot 1 being where the McAndrew's reside. Stated that the Planning Commission wanted them to label the lateral on the plan and they had. Olsen stated that the plan meets all the requirements.
Flatt made a motion based on the recommendation of the Township Engineer and the Planning Commission to grant final approval for the McAndrew Subdivision; seconded by Erie. Motion carried unanimously.
3. Butler Veterinary Assoc. Land Development- Brett Ligo represented this plan for an addition and extra parking. Ligo stated that Olsen's letter recommends a

buffer along Sunset Dr. He stated that the owner tried to get trees to grow but they keep dying. Ligo recommends that they put an ~~opaque~~ *opaque* fence instead of trees. This meets the requirements of the Zoning Ordinance. Ligo stated that storm water Management plan was sent to Olsen's office but Olsen didn't have time to review it. Olsen stated since revisions are needed the Board could grant preliminary approval then they could come back for final once the storm water management plan is reviewed and approved.

Flatt made a motion based on the recommendation of the Planning Commission and Township Engineer to grant preliminary and final approval of the Butler Veterinary Assoc. land development; contingent upon the storm water management depicted on the plan consistent with the information from Olsen's office; seconded by Erie. Motion carried unanimously.

NEW BUSINESS:

Flatt stated with no objection from the Board he would like to move the New Haven Conditional use forward to be first instead of last under new business.

1. New Haven Conditional Use Request-Olsen stated that a conditional use was approved back in 1995. The original plan was separated into 3 phases each with its own conditional use that was granted for each. Olsen stated that when the conditional use was approved it had four contingencies so if the Board decides to cancel the conditional use hearing then either Rich or the Engineer would have to verify that the four contingencies were met from 1995.
Hortert made a motion based on the recommendation of the Township Engineer and the Planning Commission to cancel the Conditional Use hearing and refund the \$500.00 application fee; require that they turn in a Land Development for the addition; no conditional use hearing will be required ; and as part of the Land Development process they will be required to meet the requirements of the 1995 hearing and will be subject to the verification of the Township Code Enforcement Officer and Township Engineer that they were met; seconded by Schiebel. Motion carried unanimously.
2. Smith Conditional Use-
Flatt made a motion to hold a conditional use hearing at 6:00pm on April 6, 2009 prior to the Agenda Setting Meeting; seconded by Erie. Motion carried unanimously.
3. First Methodist Church Conditional Use Request-
Flatt made a motion to hold a conditional use hearing at 6:00pm on April 8, 2009 prior to the Township Engineer making his opinion on parking

- depicted on the plan and is sewage arrangements being sufficient enough; seconded by Hortert. Motion carried unanimously.**
4. ADP Payroll Proposal-
Schiebel made a motion in favor of the ADP proposal of \$35.40 per payroll; seconded by Erie. Motion carried unanimously.
 5. Ritenour Agricultural Security Request-
Flatt made a motion to move to recognize the submission of the application for the Agricultural Security request; and for the staff to meet the conditions required by ordinance; seconded by Erie. Motion carried unanimously.

PUBLIC WORKS DIRECTOR:

1. Lauer stated that a resident had called him and said that they live on a Penn Dot Road but their neighbors trees are blocking their view to see out of their driveway. Stated that Penn Dot can't do anything because it's out of the right of way. Stated that they talked to their neighbors about the problem and they stated not to touch their trees. Lauer stated that he didn't think the township could do anything but he wanted to bring it up before the Board and Mike Gallagher to make sure. Gallagher stated that it is a civil suit and there is nothing that Center Township can do.
2. Lauer stated that as weather permits the road crew is trying to get a 3 week head start on their summer projects.
3. Lights for Salt Storage Building- Lauer stated that it would be a good idea to put lights in the Salt Storage Building and that now would be a good time to get prices.
Erie made a motion to authorize Public Works Director; Mark Lauer to get prices for lights for the salt storage building; seconded by Schiebel. Motion carried unanimously.

ENGINEER'S REPORT:

1. Rt. 8/ Benbrook Rd Intersection- Olsen stated that he worked with Wooster and Associated to get plans together. They are submitted to Penn Dot but they haven't got a response back yet. They are currently waiting for comments back from Penn Dot and to get the release from the neighbors.
Flatt made a motion to authorize Township Engineer to get the signatures of the property owners needed for the Rt. 8 and Benbrook Rd. intersection after we release the approved preliminary plans from Penn Dot; seconded by Hortert. Motion carried unanimously.
2. Release Verizon Wireless Escrow- 1615 North Main Street Extension
Flatt made a motion to release the Verizon Wireless Escrow in the amount of \$1000.00 based on the recommendation of the Township Engineer; seconded by Erie. Motion carried unanimously.

- 3. Maintenance Building- Olsen stated that we do not have to do a rattlesnake study. Olsen also stated that he is going to meet with a geothermal company about going geothermal in the maintenance building and to see if it would be worth our while. Olsen stated that we may be able to get a grant for going geothermal.

SOLICITOR’S REPORT:

- 1. Wiest Asphalt Products Paving Invoice- Gallagher stated that he thinks they got it all worked out and Weist agreed to pay.
- 2. Center Township vs. McCall- Made an agreement and if he is not in compliance with everything in the written court documentation ~~they~~ *then* we can take action in the spring and do whatever Rich deems necessary. Gallagher also stated that we may run into problems down the road because Mr. McCall may not own the property due to a verbal agreement of sale, no written documentation exists that states that he owns the property.
Flatt made a motion to approve the Consent Agreement set forth by Mike Gallagher Ad #05-10922; seconded by Schiebel. Motion carried unanimously.
- 3. Litigation Matters- Mike Gallagher talked briefly about other matters of litigation.

MISCELLANEOUS:

ADJOURNMENT:

Hortert made a motion to adjourn the meeting at 8:30pm; seconded by Erie. Motion carried unanimously.

CRYSTAL WILSON
Township Secretary

RONALD E FLATT
Chairman

ANDREW ERIE
Vice Chairman

BRIAN K HORTERT
Supervisor

EDWARD G LATUSKA
Supervisor

THOMAS G SCHIEBEL
Supervisor

