

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
Crystal Sieffert, Secretary
Anthony Amendolea, Treasurer
Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Official

Board of Supervisors
Regular Meeting
November 12, 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 Michael Gallagher and Public Works Director Mark Lauer. Township Engineer Ron Olsen and Township Secretary Crystal Sieffert were absent.

PUBLIC TO BE HEARD:

1. Paul Yoe- Representing Community Alliance Church- Came in to update the Board on the progress of the Community Alliance Church Worship Hall. He stated that they are scheduled to be completed in February. The Board talked in length about the Storm water management plan.

2. Bob Stirling- Flatt stated that Bob had a request from the agenda setting meeting for the Township to compose a letter stated that the work ~~the~~ *that* Mr. Stirling does in the Township benefits the Township so that he may get a discount on a high lift that he is planning on purchasing. Flatt asked Bob Stirling if he wasn't going to get a discount would he still be coming in to ask ~~to~~ *the* Board for the letter and Bob stated no ~~there~~ *that* would ~~be~~ *make* no since. Gallagher stated that they could write a very generic letter stating that Stirling is in operation in the Township and the work he does benefits the community, but they can't do exactly what he is asking for because there is no contract between the Township and Mr. Stirling and there is no guarantee there will be one in the future. Bob stated that he has spent a lot of money getting his company ready to except

leaves from our township at no cost, he stated that since he is willing to do that for the Township, the Township should do this for me. He stated that he thought it would be a fair trade off. Flatt asked Lauer if any formal contract has been discussed for Mr. Stirling to pick up leaves next year. Lauer stated that he talked with Bob Stirling and understood what he wants to do and also advised him that no ~~contact~~ *contract* would be drawn up. Flatt stated that with the construction of the new maintenance facility leaves disposal has not been discussed yet but should be addressed. Lauer added that in the past Mr. Stirling has taken more stuff off the Township's hands than any other Landscaping business in the Township so far. Gallagher stated that since he does take stuff off the Township's hands that a contract should be drawn up in that respect. Olsen added that DEP is in high favor of what Mr. Stirling is doing. Gallagher stated that the Township could enter into agreement that Bob Stirling would take the leaves that would normally be dumped down at our Henricks Rd. site. Gallagher added that once we enter into an agreement then a letter could be drawn up with Mr. Stirling's request.

Schiebel made a motion suppesing supporting the Township entering into an agreement with Mr. Stirling whereby in 2010 he would take all the municipal leaves from the municipality that we would normally collect at no cost to the residents or the municipality and yard waste strictly from the municipality at no cost; in return we would write a letter of support as relationship with the municipality that he would be able to use to his advantage to purchase equipment. Also to authorize Township Solicitor Mike Gallagher to prepare the agreement and the letter of support for Mr. Stirling within the next 2 weeks subject to the signature of the Chairman and ratification at the December Meeting; Seconded by Erie. Motion carried unanimously.

MINUTES:

1. Public Hearing- Sign Curative Amendment- October 13, 2009- Latuska had the following correction: 1. Under Sieffert; you instead of u. 2. Under Schiebel; yes instead of ya and here instead of hear.

Latuska made a motion to approve the Public Hearing Minutes for October 13, 2009 with the corrections; seconded by Hortert. Motion carried unanimously.

2. Agenda Setting Meeting – October 13, 09- Latuska had the following corrections; Under public to be heard; Barbara Burch attentively should be tentatively.

Flatt made a motion to approve the Agenda Setting minutes for October 13, 09 with the corrections; seconded by Latuska. Motion carried unanimously.

3. Regular Meeting- October 14, 09- Had the following corrections; Under subdivisions and land developments; more should be move. Under Solicitors Report; #2 last sentence wither should be whether.

Latuska made a motion to approve the Regular Meeting minutes for October 14, 09 with the corrections; seconded by Erie. Motion carried unanimously.

4. Special Meeting- Maintenance Facility Funding- October 22, 09- Had the following corrections; Under Repayment; Principle should be Principal thru out and Laon should be loan.

Latuska made a motion to approve the Special Meeting minutes for October 22, 09 with the corrections; seconded by Erie. Motion carried unanimously.

TREASURER'S REPORT:

1. October 2009

Schiebel made a motion to approve the October 2009 Treasurer's Report; seconded by Erie; Motion carried unanimously.

2. Warrant List 09-10-20

Schiebel made a motion to approve Warrant List 09-10-20; seconded by Hortert; Motion carried unanimously.

3. Warrant List 09-11-21

Schiebel made a motion to approve Warrant List 09-11-21; seconded by Hortert. Motion carried unanimously.

4. Building Fund CD

Flatt made a motion based on the recommendation of the Township Treasurer to deposit the Building Fund CD in the amount of \$100,998.19 into the Capital Projects account; seconded by Schiebel. Motion carried unanimously.

5. 2010 Preliminary Budget

6. Authorize ad for 2010 Proposed Budget

Hortert made a motion to authorize the Township Treasurer to place the ad for the 2010 Budget in the paper November 19, 2009; seconded by Schiebel; Motion carried unanimously.

ZONING REPORT: October 2009

SUBDIVISION & LAND DEVELOPMENTS:

OLD BUSINESS:

1. Local Services Tax Ordinance 2009-11-04

Hortert made a motion to adopt the local services tax ordinance 2009-11-04; seconded by Schiebel; Motion carried 4 to 1 with Erie opposing.

Erie added that he is against any kind of taxes being raised. Voted no

Flatt voted yes

Hortert voted yes

Schiebel voted yes

Latuska voted yes

2. McCall Inspection-requested to modify the court ~~over~~ order and Township ordinance in regards to the 100 year flood plain. Gallagher stated that the Board could go into executive session to discuss this matter. Flatt asked since this is now being controlled by the courts is this something we could do. Gallagher stated yes that Center Township could modify the court order and Township Ordinance if they wished to do so. The Board discussed in length the Flood Plain issue. Monday November 16, 2009 an inspection is scheduled to take place and if all requirements were not met that were set forth by the Court it will be in the Courts hands what happens.

Schiebel made a motion that we stand to the terms of the agreement set forth and deny the request for a modification of the Center Township Ordinance in regards to the 100 year flood plain; seconded by Erie. Motion carried unanimously.

NEW BUSINESS:

1. Employee Health Benefits- The Board has authorized the Township Treasurer to seek rates from other insurance ~~company's~~ companies in an effort to find out if we could obtain lower rates with the requirement that we provide the same coverage or better than the current contract.

2 Kissling Engagement Letter

Schiebel made a motion to authorize the Chairman to sign the engagement letter engaging Kissling & Associates to provide their auditing services for Center Township; Seconded by Erie. Motion carried unanimously.

3. CPA Appointment Resolution 2009-11-21

Hortert made a motion to adopt Resolution 2009-11-21 appointing Kissling & Associates as the CPA to perform the 2009 audit in lieu of the elected auditors; seconded by Erie. Motion carried unanimously.

4. 2009 International Residential Code-Allegheny County-12/16-\$125.00

Flatt made a motion to authorize Code Enforcement Officer Rich Round to attend the 2009 International Residential Code Class in Allegheny County covering the cost of \$125.00; seconded by Erie. Motion carried unanimously.

5. Pennsylvania Unemployment Tax Reporting- Township hired ADP instead of Paychecks and now ADP is not paying the Unemployment tax because they are exempt but Anthony Amendolea states that we are not exempt.

Flatt made a motion to authorize the Treasurer to have authority to attempt to solve this problem by paying any delinquent taxes and interest as he may deem necessary to do what legally required to work with the representative of ADP to solve this problem; to seek information from Kissling & Associates in an attempt to collect exactly what all legal responsibilities are and to make recommendation to this Board to make a change in our service provider should that become necessary; seconded by Schiebel

Flatt amended his motion to add one more step in the Treasurer making recommendation of any proposals of alternate providers to come back to the Board at the December meeting. Motion carried unanimously.

6. Seasonal Kiosk at Clearview Mall- recommendation from Rich Round to update the fee schedule for 2010 making it \$50.00 for first time Kiosk applicants and \$25.00 for every seasonal applicant. No motion was needed nor made at this time.

7. Dominic Tristani- Butler Truck Parts- requested that the Board waive the conditional use for the storage building. He would still have to obtain a lot line revision and a land development plan.

Schiebel made a motion to ratify waiving the conditional use process for Dominic Tristani; Butler Truck Parts located at 427 Oneida Valley Rd. as granted at the agenda setting meeting November 9, 2009; seconded by Erie. Motion carried unanimously.

8. Allegheny Power Letter- The Board received a letter with information that needs to be filled out and signed for electrical services for the salt storage building and new maintenance facility.

Schiebel made a motion to ratify the authorization of the Chairman Ron Flatt to complete and sign the information for electrical power from Allegheny power at our Henricks Rd site for the Maintenance Facility that was acted on at the Agenda Setting Meeting November 9,2009; seconded by Hortert. Motion carried unanimously.

PUBLIC WORKS DIRECTOR:

1. Authorize Ad for Anti-Skid

Hortert made a motion to authorize the ad for Anti-Skid; seconded by Erie. Motion carried unanimously.

2. Authorize Ad for Bituminous

Hortert made a motion to authorize the ad for Bituminous; seconded by Erie. Motion carried unanimously.

3. Authorize Ad for Signs- Mark stated that he would rather hold off getting signs until he knows where he is at with federal regulations.

ENGINEER'S REPORT:

1. SR 8/South Benbrook Road- updates have been made and submitted to Penndot. Olsen stated that a permit should be expected in the next couple weeks.

2. Award Bids for Maintenance Facility- Gallagher stated that his recommendation would be to enact the ordinance adopt the loan before they award the bids. After the ordinance is adopted then it needs to be approved by DCED. We could award the bids based on DCED approval of the loan so if some reason ~~DCED~~ so that if for some reason the bank loan doesn't come thru with the 2 million you have that pail safe that you use. Gallagher is recommending that we approve the bid proposal for the loan tonight's and set up everything else for a special meeting to be held on December 1, 09. **Flatt made a motion to set a special meeting for Tuesday December 1, 09 at 6:30pm at which time the Board will act on awarding contracts, to take appropriate measures for payment those contracts and to advertise as required for that meeting; seconded by Schiebel. Motion carried 4 to 1 with Erie opposing.** Erie stated in additional comment to opposing this voted that he feels that the Township is way over their heads and making a mistake, and that we will be paying for this building for 20 years. Stated we need a garage but not one of that size and that it's just a bad idea.

3. Release Butler Veterinary Clinic Performance & Escrow Bond
Flatt made a motion that \$1,500.00 be retained from the Butler Veterinary Escrow balance to cover any outstanding professional service charges but that remainder of their posted security bond be released to them; seconded by Erie. Motion carried unanimously.

4. Butler Area Sewer Authority Developers & Right of Way Agreements- Olsen recommended tabling until the bids are awarded.
Flatt made a motion to table the Butler Area Sewer Authority Developers & Right of Way Agreements until the bids for the Maintenance Facility are awarded; seconded by Erie. Motion carried unanimously.

SOLICITOR'S REPORT:

1. Schweinsberg Agreement

Hortert made a motion to authorize Building Code official Rich Round to sign the Schweinsberg Agreement; seconded by Erie. Motion carried unanimously.

2. Joint Real Estate Tax Account Resolution 2009-11-22

Flatt made a motion to adopt Resolution 2009-11-22; seconded by Erie. Motion carried unanimously.

3. Schenck vs. Center Township- case in now completely closed

4. Maintenance Facility Loan- bid proposal from Nextier Bank, Gallagher's recommendation after reviewing them was to go with Nextier Bank and Gallagher talked to Township Treasurer Anthony Amendolea and stated that it was his recommendation as well to go with Nextier for the loan. Flatt stated we have two options with this; option A is the 5 year adjustable and option B is the 10 year adjustable 3.27 vs. 4.17. Flatt asked Gallagher which one he would recommend and Gallagher stated his recommendation would be not to choose an option right now just award the proposal from Nextier.

Schiebel made a motion to except the Nextier bid proposal general obligation in the amount of \$2,000,000.00; seconded by Latuska.

motion carried as follows:

Latuska: voted yes, he feels that we didn't have a choice ~~are~~ our old building is falling down. We did extensive research and put a lot of effort into it and he just feels like we have no other choice.

Erie: no

Schiebel: yes

Hortert: yes, he stated that it was about 10 years too late but he agrees with Latuska.

Flatt: yes with the deep hope that Erie is wrong in his concerns.

Motion carried 4 to 1 with Erie opposing

MISCELLANEOUS:

ADJOURNMENT:

The Board went into executive session at 8:25pm with no action taken.

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

CRYSTAL SIEFFERT
Township Secretary

RONALD E FLATT
Chairman

ANDREW ERIE
Vice Chairman

BRIAN K HORTERT
Supervisor

EDWARD G LATUSKA
Supervisor

THOMAS G SCHIEBEL
Supervisor