

Board of Supervisors:  
Thomas Schiebel, Chairman  
Andrew Erie, Vice Chairman  
Ronald Flatt, Supervisor  
Kenneth Frenchak Jr, Supervisor  
Edward Latuska, Supervisor



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

Board of Supervisor  
Regular Meeting Minutes  
April 14, 2010  
6:30 p.m.

**CALL TO ORDER:** The Regular Meeting of the Center Township Board of Supervisors was called to order at 6:32 p.m. by Chairman Thomas Schiebel at the Center Township Municipal Building, 419 Sunset Drive, Butler, PA 16001.

**ROLL CALL:** Present were Chairman Schiebel, Vice Chairman Erie; Supervisors Flatt, Frenchak, and Latuska; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; and Township Secretary/Treasurer Anthony Amendolea. Public Works Director Mark Lauer was absent.

**PLEDGE OF ALLEGIENCE & PRAYER:**

**PUBLIC TO BE HEARD:** None

**MINUTES:**

1. *Latuska made a motion to approve the minutes of the Agenda Setting Meeting held March 8, 2010 with the following corrections; (1) Public Works Director, Item 6, 'has costed' should read 'have cost'; and (2) Public Works Director, Item 7, 'they' should read 'that'. Frenchak seconded. Motion carried unanimously.*

2. *Latuska made a motion to approve the minutes of the Regular Meeting held March 10, 2010 with the following corrections; (1) Treasurer's Report, Item 5, '70' should read '.7'; (2) New Business, Item 3, 'Rick' should read 'Risk'; (3) New Business, Item 5, 'to' should read 'the'; (4) Engineer's Report, Item 2, 'safe' should read 'save'; and, (6) Miscellaneous, Item 1, delete 'about'. Flatt seconded. Motion carried unanimously.*

3. *Latuska made a motion to approve the minutes of the Public Hearing held March 31, 2010 with the correction under Public to be Heard, Mr. Cecil Crouch, 'comprise' should read 'compromise'. Flatt seconded. Motion carried unanimously.*

**TREASURER'S REPORT:**

1. *Flatt made a motion to approve the March 2010 Treasurer's Report. Frenchak seconded. Motion carried unanimously.*
2. *Schiebel made a motion to approve Warrant List 10-03-06. Flatt seconded. Motion carried unanimously.*
3. *Schiebel made a motion to approve Warrant List 10-04-07. Flatt seconded. Motion carried unanimously.*
4. *Flatt made a motion to ratify the investment of \$200,000 with S&T Bank at .65 percent for 60 days. Erie seconded. Motion carried unanimously.*
5. *Flatt made a motion to deposit \$240,999.61 from a 90 day CD, which matured with S&T Bank into the Capital Projects Checking Account. Erie seconded. Motion carried unanimously.*
6. *Schiebel made a motion to deposit \$4,776.39, which is interest accrued from the CD invested for Unionville Fire Company into the Capital Projects Fund.*

**ZONING REPORT:** Construction costs \$462,371 fees collected \$3,888.47.

**SUBDIVISIONS & LAND DEVELOPMENTS:**

1. Stoughton Acres, 904 Sunset Dr, Land Development #10-02-01, Final Approval: Carl Ligo, Ligo Architects, presenting. He added the cross section of the breastwork reflecting the dam top width of 8'. DEP is requesting a letter from the owner accepting responsibility for the installation and maintenance of the sewer line before approval of the sewage facilities planning module is granted. Plan was submitted to the Butler County Planning Commission on March 9, 2010. Mr. Smith will need to post a performance bond in the amount of \$99,755.26 and escrow in the amount of \$13,602.99 prior to the start of construction. *Flatt made a motion to grant final approval, withholding the required signatures, contingent on approval of the Butler County Planning Commission and DEP approval of the Sewage Facilities Planning Module. Erie seconded. Motion carried unanimously.*
2. Community Alliance Church, 800 Mercer Rd, Land Development Phase II, #10-03-03, Final Approval: Bob Swartz presenting. He is seeking a recommendation from Zoning Officer Round, with the assistance of the solicitor, in regards to lot coverage exceeding 25%. The current lot coverage is 40% and Phase II will increase lot coverage to 44%. The current stormwater management system meets the current ordinance. After a short discussion, since Phase I was adopted allowing the lot coverage of 40%, Phase II will only increase lot coverage 4%. *Frenchak made a motion to grant final approval. Erie seconded. Flatt abstained due to being a member of the congregation. Motion carried.*

**OLD BUSINESS:** *Flatt made a motion to adopt Aubrey/Thomas Rezoning Ordinance No. 2010-04-01. Frenchak seconded. Latuska voted against. Motion carried 4 to 1.*

**NEW BUSINESS:**

1. Township Secretary Appointment/Wage: *Erie made a motion to appoint Anthony Amendolea as Township Secretary with a wage of \$1.50 an hour for 12 hours per week. Latuska seconded. Motion carried unanimously.*

2. Open Records Officer Appointment: *Flatt made a motion to appoint Anthony Amendolea as the Open Records Officer. Erie seconded. Motion carried unanimously.*

3. Release of Consultant Fees: *Flatt made a motion to release the Barto Lot Line Revision consultant fees in the amount of \$97.40. Erie seconded. Motion carried unanimously.*

4. TCC Delegate Mileage: *Schiebel made a motion to authorize Gary Rauschenberger, Primary TCC Delegate, reimbursement for mileage at the IRS rate and any incidental expenses incurred. Frenchak seconded. Motion carried unanimously.*

5. Ratify Building Purchase: Uhl Construction is not authorized to use our tax exempt status to purchase the structural steel for the maintenance facility. The 7% sales tax (Allegheny County) would be passed on to the Township. The ~~manufacture~~ manufacturer (*corrected 05/12/2010*) suggested we purchase directly from them offering a 1.25% discount. Total cost savings to the Township is approximately \$9,500. *Erie made a motion to ratify the purchase of the structural steel directly from the manufacturer for a savings of approximately \$9,500. Flatt seconded. Motion carried unanimously.*

6. Annual Report for Small Flow Treatment Facility: Sewage Enforcement Officer Colombo requests the Township require inspection contractors for the small flow treatment facility submit a copy of the DEP "Annual Maintenance Report for Small Flow Treatment Facility" to the Township. *Schiebel made a motion requiring inspection contractors submit a copy of the DEP "Annual Maintenance of Small Flow Treatment Facility" to the Township no later than June 30<sup>th</sup> of each year. Erie seconded. Motion carried unanimously.*

7. Butler County Spring Convention-May 20<sup>th</sup>-Butler Country Club-\$25: *Schiebel made a motion authorizing to pay the \$25 fee for Frenchak to attend the Butler County Spring Convention on May 20, 2010 at the Butler Country Club. Flatt seconded. Motion carried unanimously.*

8. Morgan Small Flow Treatment Facility Agreement-392 Palmer Rd: *Latuska made a motion authorizing Schiebel to sign the William Morgan Small Flow Treatment Facility Agreement for property at 392 Palmer Rd. Flatt seconded. Motion carried unanimously.*

9. Morgan Sewage Facilities Planning Module Resolution #2010-04-10: *Schiebel made a motion adopting William Morgan Sewage Facilities Planning Module Resolution #2010-04-10. Frenchak seconded. Motion carried unanimously.*

10. 2009 IRC Sprinkler Seminar: *Schiebel made a motion to reimburse Building Code Official Round for Pennsylvania Building Officials Conference annual membership (\$45) and attendance at the 2009 IRC Sprinkler Seminar (\$89). Flatt seconded. Motion carried unanimously.*

#### **PUBLIC WORKS DIRECTOR:**

1. Authorize Ad for 2010 Paving Program: *Schiebel made a motion authorizing the advertisement of the 2010 Paving Program in the Butler Eagle editions published April 25<sup>th</sup> and 30<sup>th</sup>, 2010. Frenchak seconded. Motion carried unanimously.*

2. Release Andy's Sawmill Road Bond-Elliott Rd-\$15,000: *Schiebel made a motion to release, based on the Public Works Director Lauer's recommendation, Andy's Sawmill Road Bond posted for Elliott Road in the amount of \$15,000. Erie seconded. Motion carried unanimously.*

3. Watch Children Sign Request-McCandless Rd: A request was received from David and Dawn Parisi, 5143 McCandless Road, to place a "Watch Children" sign in the vicinity of 5147 McCandless Road. *Flatt made a motion authorizing Public Works Director Lauer to place a "Watch Children" sign in the vicinity of 5147 McCandless Road. Erie seconded. Motion carried unanimously.*

#### **ENGINEER'S REPORT:**

1. SR 8/Benbrook Road Intersection: Schiebel, Flatt, Olsen, and Crosby of Wooster & Associates attended a meeting with PennDot in Indiana, PA on April 8<sup>th</sup>, 2010. With guarded optimism, if Wooster & Associates modifies the plan to PennDot's system, PennDot may fund the entire project.

2. Uhl Construction Application #3: *Schiebel made a motion authorizing payment of \$33,954.56 for Uhl Construction Application #3. Frenchak seconded. Motion carried unanimously.*

3. Fuellgraf Electric Company Change Order #1: Change order was presented decreasing the electrical contract for the maintenance building by \$19,100. *Flatt made a motion authorizing Schiebel to sign Fuellgraf Electric Company Change Order #1. Erie seconded. Motion carried unanimously.*

4. Fuellgraf Electrical Company Application #1: *Schiebel made a motion authorizing payment of \$7,920.00 for Fuellgraf Electric Company Application #1. Erie seconded. Motion carried unanimously.*

5. JB Mechanical Application #1: *Frenchak made a motion authorizing payment of \$4,702.50 for JB Mechanical Application #1. Schiebel seconded. Motion carried unanimously.*

6. Authorization to Pay Contractors' Invoices: *Flatt made a motion authorizing Secretary/Treasurer to pay invoices for the Maintenance Facility construction with the approval of the Township Engineer Olsen and two supervisors. In addition, a separate warrant list will be created. Erie seconded. Motion carried unanimously.*

7. Butler County Stormwater Management Ordinance (PA Act 167): Township Engineer Olsen attends the meetings held at the Butler County Government Center. This Act requires counties to regulate stormwater management. If the Butler County Commissioners adopt a stormwater maintenance ordinance, the municipalities will have 180 days to adopt an ordinance. *Flatt made a motion authorizing Township Engineer Olsen, with the assistance of Township Solicitor Gallagher, to submit comments to Butler County. Schiebel seconded.*

#### **SOLICITOR'S REPORT:**

1. Morgan Consent Agreement-392 Palmer Rd: *Frenchak made a motion authorizing Schiebel to sign the William Morgan Consent Agreement. Schiebel seconded. Motion carried unanimously.*

2. Morgan Escrow-105 Morgan Ln: Township Solicitor Gallagher received a request from Edward Morgans's attorney for the Board to consider the payment of 50% of the construction cost of the small flow treatment facility to be placed in escrow as a hardship case. Township Gallagher stated this action would not set precedence because the Board could review hardship requests on a case by case basis. *Schiebel made a motion to approve the hardship request for Edward Morgan allowing him to post \$3,000 in escrow with the Township. Frenchak seconded. Motion carried unanimously.*

#### **MISCELLANEOUS:**

1. Brad Cavaliero, 100 N Maple Dr, representing Hull Plan Residents Association stated they were proposing to give up approximately 2 acres to three surrounding property owners. He is hopeful this will resolve the situation with Mr. William Helsel. The MPC allows any property owner the right to enforce an ordinance. *Frenchak made a motion authorizing Township Solicitor Gallagher to send a letter to Mr. Helsel advising him that the MPC permits an adjoining landowner to file a private action against another adjoining landowner for violations of the zoning ordinance. Flatt seconded. Motion carried unanimously.*

2. McCall Property-298 W Brewster Rd: *Schiebel made a motion authorizing Building Code Official Round and Township Solicitor Gallagher to proceed to provide notice to shut off utilities to prepare for demolition. Erie seconded. Motion carried unanimously.*

***ADJOURNMENT: A motion was made by Frenchak to adjourn the Regular Meeting at 8:10 p.m. Erie seconded. Motion carried unanimously.***

Anthony A. Amendolea  
Township Secretary/Treasurer

Thomas G. Schiebel  
Chairman

Andrew Erie  
Vice Chairman

Ronald E. Flatt  
Supervisor

Kenneth J. Frenchak Jr  
Supervisor

Edward G. Latuska  
Supervisor