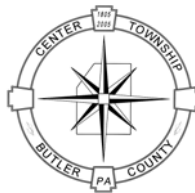


Board of Supervisors:
Thomas Schiebel, Chairman
Andrew Erie, Vice Chairman
Ronald Flatt, Supervisor
Kenneth Frenchak Jr, Supervisor
Edward Latuska, Supervisor



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

BOARD OF SUPERVISORS

Regular Meeting Minutes

May 11, 2011

6:30 p.m.

CALL TO ORDER: Chairman Thomas Schiebel called the Regular Meeting, of the Center Township Board of Supervisors, to order at 6:31 p.m. The meeting was held at the Center Township Municipal Building, 419 Sunset Drive, Butler, PA 16001.

ROLL CALL: In addition to Chairman Schiebel, present were Supervisors Andrew Erie; Ronald Flatt; Kenneth Frenchak; and Edward Latuska; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; Public Works Director Mark Lauer; and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD (3 MINUTE LIMIT):

1. Ms. Anna Gullickson, 5258 Elliott Road: Ms. Gullickson discussed the harmful effects of Marcellus Shale drilling. She distributed handouts to the Board.
2. The following letter from Mr. Neil Ashbaugh, 107 Ridge Road, was read:

'Dear Board of Supervisors of Center Township,

My name is Neil Ashbaugh, and I'm a resident of Center Township residing at 107 Ridge Road. In addition to being a resident, I am honored to be a Merit Badge Councilor for all three "Citizenship" Merit Badges for Moraine Trails Council of the Boy Scouts of America.

This past spring, I taught the "Citizenship in the Community Merit Badge" and as part of one of the requirements for this badge, I had to see that all the Scout Students meet an elected official and learn about duties and responsibilities of that position. I was honored to have Supervisor Ken Frenchek attend in that capacity, and relate not only his experiences of serving Center Township, but also his insight as to the many issues that face Townships throughout the region. Ken did an excellent and thorough job and the boys and parents couldn't have been more appreciative of his obvious effort that evening.

On behalf of the boys of troop 5, Center Township, Troops 482, 58, 457, 217, 20, 33, and 399, I would like to publically acknowledge and thank Supervisor Frenchek for his presentation and participation with these Scouts.

Respectfully submitted for public record,

*Neil A. Ashbaugh
Scout Master, Troop 5, Trinity Lutheran Church, Center Township
107 Ridge Road
Butler, PA 16001"*

MINUTES:

1. Agenda Setting Minutes – April 11, 2011: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on April 11, 2011. Erie seconded. Motion carried unanimously.*
2. Regular Minutes – April 13, 2011: *Latuska motioned approving the minutes of the Regular Meeting held on April 13, 2011. Frenchak seconded. Motion carried unanimously.*

TREASURER’S REPORT:

1. April 2011: *Schiebel motioned approving the April 2011 Treasurer’s Report. Erie seconded. Motion carried unanimously.*
2. Warrant List 11-04-16: *Schiebel motioned approving Warrant 11-04-16. Flatt seconded. Motion carried unanimously.*
3. Warrant List 11-05-17: *Schiebel motioned approving Warrant List 11-05-17. Frenchak seconded. Motion carried unanimously.*
4. Warrant List 11-05-18: *Schiebel motioned approving Warrant List 11-05-18. Erie seconded. Motion carried unanimously.*

ZONING REPORT: March 2011: Construction costs were \$69,300.00 fees collected were \$1,286.44.

SUBDIVISION & LAND DEVELOPMENTS:

1. Eat N Park Land Development No. 11-04-02 – 114 Clearview Cir: Mr. T. J. Gentile presented a proposed plan for Eat N Park at 114 Clearview Circle (Map S18 Parcel A6) consisting of 1.195 acres (m/l) to add a pick up window for take outs on the east side of the building. Butler County Planning Commission will not review until May 18, 2011. The Planning Commission recommended preliminary and final approval, with contingencies, at their April 27, 2011 meeting with the following motions:

“Frenchak motioned granting modification to Center Township Codified Ordinances, Chapter 14, Article 14, Subsection 14-403.A, “Preliminary Plan Approval”. Lynd seconded. Motion carried unanimously.

Sloan motioned recommending preliminary and final approval with contingencies of (1) letter from J. J. Gumberg authorizing use of Clearview Mall parking spaces; (2) crosswalk to be moved to the south; (3) signature block for Board of Supervisors; (4) zoning requirements of C-1, “Retail and Service Commercial District”; (5) Butler County Planning Commission review; and (6) placement of arrows on pavement for direction of traffic and appropriate signage. Paroli seconded. Motion carried unanimously.”

Flatt motioned granting a modification from Center Township Codified Ordinances, Chapter 14, Article 14, Subsection 14-403.A, Preliminary Plan Approval. Erie seconded. Motion carried unanimously.

Frenchak motioned approving preliminary and final approval, with the contingency of Butler County's Planning Commission approval, for Eat N Park Land Development No. 11-04-02. Flatt seconded. Motion carried unanimously.

2. Atkinson Lot Line Revision No. 11-04-03 – 475 W Sunbury Rd: Mr. Robert Atkinson presented a lot line revision for Mr. & Mrs. Robert C. Atkinson located at 475 West Sunbury Road (Map 2F61 Parcel 27BB) consisting of 1.04 acres (m/l). The property will be added to the adjoining properties of Mr. & Mrs. Atkinson (Map 2F61 Parcel 27B4) (.530 acres) and Mr. Quinn Hepler (Map 2F61 Parcel 27B) (.512 acres). Butler County Planning Commission has no comments. Township Engineer Olsen recommended approval based on the following contingencies:
 - a. West Sunbury Road (SR 308) being labeled on the drawings;
 - b. The address of the Applicant being corrected in the drawing title block;
 - c. That the owners of property labeled Brian Herold et al be identified as appropriate in the signature blocks; and
 - d. That additional signature blocks be added and notary blocks be added unless the applicant is certain that all parties will sign in front of the same notary.

The Planning Commission recommended final approval, with contingencies, at their April 27, 2011 meeting with the following motion:

“Lynd motioned recommending final approval of the Atkinson Lot Line Revision No. 11-04-03 with the contingencies recommended by Township Engineer Olsen in addition to labeling the gas line on the plan. Paroli seconded. Motion carried unanimously.”

Frenchak motioned tabling action for Atkinson Lot Line Revision No. 11-04-03 so Mr. William McGarvey, Engineer, can provide the deed to ensure all signers for Herold's property are listed on the mylar and label West Sunbury Road on the plan. Flatt seconded. Motion carried unanimously.

OLD BUSINESS: None

NEW BUSINESS:

1. Stormwater Management Ordinance No. 2011-05-02: The Pennsylvania Department of Environmental Protection approved the Butler County Stormwater Management Ordinance December 2010. The Township must adopt a Stormwater Management Ordinance no later than June 1, 2011. The ordinance was advertised in the May 1, 2011 edition of the Butler Eagle. ***Flatt motioned adopting the Stormwater Management Ordinance No. 2011-05-02, as adopted by the Butler County Commissioners, with the addition of a new subsection 21-302.K, as follows;***

“Where an existing developed property is proposed to be further developed and a downstream stormwater flooding problem exists, the Board of Supervisors may determine that the 5,000 square foot exemption does not apply and that a stormwater management system be constructed to control runoff from the total parcel or a percentage of the property as determined by the supervisors assuming that is a meadow runoff surface

condition.”

Latuska seconded. Motion carried unanimously.

2. SR 8/Benbrook Road Maintenance Agreement Resolution No. 2011-05-09: PennDot submitted a Maintenance Agreement for the traffic signal at State Route 8 and South Benbrook Road intersection. ***Flatt motioned adopting Resolution No. 2011-05-09 authorizing Chairman Schiebel to sign the State Route 8/South Benbrook Road Maintenance Agreement with PennDot. Erie seconded. Motion carried unanimously.***
3. Authorize Demolition of 298 W Brewster Rd: Following a Court Order, the dwelling was boarded up on May 9, 2011. The following quotes were received for the demolition of the existing dwelling and foot bridge:

Bidder	Amount
Smallwood Excavating, LLC	\$6,145.00
Eagal Excavating	\$9,650.00

Schiebel motioned awarding the demolition to Smallwood Excavating, LLC in the amount of \$6,145.00 with contingency that demolition will not take place until West Penn Power terminates electrical service. Flatt seconded. Motion carried unanimously.

Frenchak motioned authorizing the Center Township Constable, James Wagner, to hand-deliver the West Penn Power’s termination letter to Mr. McCall for his signature. Latuska seconded. Motion carried unanimously.

Flatt motioned authorizing Township Solicitor to petition Judge Yeager to assigned County sheriffs to provide protection during demolition. Frenchak seconded. Motion carried unanimously.

4. Summer Employees: Public Works Director recommends hiring two (2) summer employees. ***Schiebel motioned authorizing the Public Works Director to receive applications, interview, and hire two (2) summer employees, if necessary, place an ad in the Butler Eagle.. Frenchak seconded. Motion carried unanimously.***

PUBLIC WORKS DIRECTOR:

1. Award Bid for 2011 Paving Program: The Public Works Director Lauer proposes to pave Mack Road (T-502), Renick Road (T-501), Rider Church Road (T-569), Gallagher Road (T-642), and Hermitage Road (T-406). In addition to paving, he desires to upgrade the drainage system along Gallagher Road (T-642). The following bids were received:

Bidder	Amount
Glenn Hawbaker Inc	\$279,070.48
Shields Asphalt Paving	\$205,352.40
Wiest Asphalt Products & Paving Inc	\$221,351.69

Erie motioned awarding the 2011 Paving Program to Shields Asphalt Paving

in the amount of \$205,352.40. Erie seconded. Motion carried unanimously.

- Award Bid for 2011 Seal Coat Program: The Public Works Director proposes to seal coat Mack Road (T-502), Renick Road (T-501), Rider Church Road (T-569), Gallagher Road (T-642), Hermitage Road (T-406), and Elliott Road (T-675). The following bids were received:

Bidder	Amount
Glenn Hawbaker Inc	\$85,473.15
Russell Standard Corporation	\$68,291.89
Suit-Kote Corporation	\$74,543.14

Flatt motioned awarding the 2011 Seal Coat Program to Russell Standard Corporation in the amount of \$68,291.89. Erie seconded. Motion carried unanimously.

- SR 8/Benbrook Road Signal: Public Works Director Lauer ordered the battery backup system. Bronder Technical Services will install the system.

ENGINEER'S REPORT:

- Butler Veterinary Associates Retention Pond: The Board of Supervisors, at their regular meeting dated April 13, 2011, granted Township Engineer Olsen authorization to investigate the Butler Veterinary Associates retention pond located at 1761 N. Main St. (Map S4 Parcel 22). Olsen recommends investigating several probable causes for the runoff onto Mr. Ronald Cypher's property. These causes are the reevaluation of the Butler Veterinary Associates' retention pond, Mr. Cypher's own stormwater system, and the catch basins along Sunset Drive.

Flatt motioned authorizing Township Engineer conduct an adequate study to determine if the Butler Veterinary Associates' stormwater management system is functioning properly. Schiebel seconded.

SOLICITOR'S REPORT:

- Center Township vs. Morgan: Township Solicitor Gallagher attended a Status Conference on May 2, 2011. Mr. Edward Morgan posted his \$3,000 maintenance escrow required for the installation of a small flow treatment facility. The treatment facility is nearly complete. Township Solicitor Gallagher requests authority to discontinue the court case. ***Schiebel motioned authorizing Township Solicitor Gallagher to discontinue the Edward Morgan court case. Latuska seconded. Motion carried unanimously.***
- Mineral Overlay Extraction District: The Township Solicitor provided an opinion concerning drilling versus mining. Drilling may be segregated from mining.

MISCELLANEOUS:

- Flatt has discussed with Mr. Jeff Pierce, Olsen & Associates, to terminate Transportation Impact Fees. Some of the funds may be used for the work done for the improvement of State Route 8 and South Benbrook Road (i.e. widening of Route 8 and installing left turn

lanes. Township Secretary/Treasurer Amendolea will provide the cost of improvements to the Board of Supervisors at the next meeting.

2. Frenchak asked about the status of the illegal connection to PennDot's storm drain on West Sunbury Road. Schiebel received a hydrologist report. He contacted Mr. James Day to discuss the abatement of the water.
3. Frenchak inquired about an incident at Beacon Lite Mobile Home Park on Easter weekend. Township Secretary/Treasurer will contact the Dog Officer, James Wagner, to receive a report.
4. The Board of Supervisors scheduled an open house at the new maintenance facility for Wednesday, June 1, 2011 from 4:00 p.m. to 7:00 p.m.

ADJOURNMENT:

The meeting was adjourned to an executive session to discuss personnel issues at 7:45 p.m. The meeting reconvened at 8:05 p.m. with no action being taken

Flatt motioned adjourning the Regular Meeting at 8:35 p.m. Schiebel 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