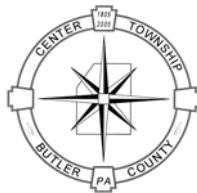


Board of Supervisors:  
 Thomas Schiebel, Chairman  
 Andrew Erie, Vice Chairman  
 Ronald Flatt, Supervisor  
 Kenneth Frenchak Jr, Supervisor  
 Edward Latuska, Supervisor



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

September 14, 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 6:30 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 Vice Chairman Andrew Erie; Supervisors Ronald Flatt and Kenneth Frenchak; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; and Township Secretary/Treasurer Anthony Amendolea. Supervisor Edward Latuska and Public Works Director Mark Lauer were absent.

### **PUBLIC TO BE HEARD (3 MINUTE LIMIT):**

1. Mr. Robert Longwell, 919 Derbyshire Ave, Mechanicsville, PA: Mr. Longwell owns property at 213 Sunset Drive. His father owns property at 211 Sunset Drive. The property at 207 Sunset Drive revamped the parking lot, which creates stormwater runoff for 211 and 213 Sunset Drive. Mr. Longwell requests a curb be replaced from 207 Sunset Drive past 213 Sunset Drive to divert the stormwater.
2. Mr. Glenn Hundertmark, 5274 Elliott Road: Mr. Hundertmark requests the Board consider short term ban on fracking for environmental issues.
3. Ms. Anna Gullickson, 5258 Elliott Road: Asks the Board to consider property owners who do not have the mineral rights, which are the majority of the residents. Maintaining clean water is expensive.
4. Mr. Robert Morris: Mr. Morris encourages the Board to attend a meeting at Michael's Restaurant on September 22, 2011 concerning the contaminated wells in Connoquenessing Township.

### **MINUTES:**

1. Public Hearing – Mineral Extraction Overlay Extension – August 8, 2011: *Erie motioned approving the minutes of the Public Hearing-Mineral Extraction Overlay Extension held on August 8, 2011. Frenchak seconded. Motion carried unanimously.*
2. Agenda Setting Minutes – August 8, 2011: *Flatt motioned approving the minutes of the*

**Agenda Setting Meeting held on August 8, 2011. Erie seconded. Motion carried unanimously.**

3. Regular Minutes – August 10, 2011: ***Frenchak motioned approving the minutes of the Regular Meeting held on August 10, 2011. Flatt seconded. Motion carried unanimously.***

#### **TREASURER’S REPORT:**

1. August 2011: ***Schiebel motioned approving the August 2011 Treasurer’s Report. Frenchak seconded. Motion carried unanimously.***
2. Warrant List 11-08-27: ***Schiebel motioned approving Warrant List 11-08-27. Erie seconded. Motion carried unanimously.***
3. Warrant List 11-09-28: ***Schiebel motioned approving Warrant List 11-09-28. Frenchak seconded. Motion carried unanimously.***
4. Authorize Ad for Budget Workshops: ***Schiebel motioned authorizing advertisement of the Budget Workshops, October 11 and November 7, 2011, to be published in the Butler Eagle edition of Monday, September 26, 2011. Erie seconded. Motion carried unanimously.***
5. Authorize Ad to Appoint CPA for 2011 Audit: ***Schiebel motioned authorizing advertisement to appoint CPA for 2011 audit to be published in the Butler Eagle editions of Monday, September 26 and Monday, October 3, 2011. Frenchak seconded. Motion carried unanimously.***
6. 2012 Minimum Municipal Obligation for Pension Plan: ***Frenchak motioned approving the 2012 Pension Plan Minimum Municipal Obligation in the amount of \$41,981.82 to be signed by Township Secretary/Treasurer Amendolea as the Chief Administration Officer. Erie seconded. Motion carried unanimously.***

**ZONING REPORT:** August 2011: Construction costs were \$602,095.00 fees collected were \$4,941.60.

#### **SUBDIVISION & LAND DEVELOPMENTS:**

1. Miller/Henry, 106 Milheim Dr, Lot Line Revision No. 11-08-07, Final Approval: Mr. Glenn Miller presented a plan proposing to remove the lot line between Map and Parcel S2 A1 and S2 A2 conveying .13 ac (m/l) to Map and Parcel S2 A2. Township Engineer Olsen had no comments. The Planning Commission recommended final approval at their meeting held on August 24, 2011. Butler County Planning had no comments.

***Schiebel motioned granting final approval to the Miller/Henry Lot Line Revision No. 2011-08-07. Erie seconded. Motion carried unanimously.***

2. Dollar General, 1627 N Main St Ext, Land Development No. 11-07-06, Final Approval: Mr. Bill Boron, Atwell, LLC, presented a plan to construct a 10,566 square foot Dollar General Store at 1627 North Main Street Extension (Map & Parcel S3 10) consisting of 1.73 acres (m/l). Township Engineer Olsen and Building Code Official/Zoning Officer Round comments were addressed and revisions made to the plan. The Pennsylvania Department of Environmental Protection approved the Sewage Facilities. The Pennsylvania Department of Transportation submitted a letter exempting the Township as a co-permittee for Stormwater Management. Mr. Mark Clark, PennDOT, gave a verbal approval of the Highway Occupancy Permit with letter to follow. Township Engineer Olsen confirmed with Butler Area Sewer Authority that they accepted the existing sewer line. Application to the Butler County Conservation District was submitted.

***Flatt motioned granting final approval, contingent on the approval of the Butler County Conservation District, to the Dollar General Land Development No. 2011-07-06. Schiebel seconded. Motion carried unanimously.***

#### **OLD BUSINESS:**

1. Comprehensive Plan Resolution No. 2011-09-14: A public hearing was held on September 12, 2011 to obtain public comment and testimony on the revised Comprehensive Plan. ***Frenchak motioned adopting Comprehensive Plan Resolution No. 2011-09-14, contingent on the replacement of the correct Butler Area Sewer Authority Map and corrected zoning map designation. Flatt seconded. Motion carried unanimously.***
2. Kraynik Stormwater Detention: At the Board of Supervisors regular meeting held on August 10, 2011, the Board appointed Frenchak to investigate Mr. Kraynik's complaint. Frenchak discussed with Mr. Kraynik, Township Engineer Olsen, Mr. George White, and Mr. Kraynik's excavator for solutions to correct the stormwater. Olsen and George White recommend capping the current catchbasin and installing a catchbasin six feet (6') closer to the drive. ***Frenchak motioned authorizing Building Code Official/Zoning Officer to enforce the ordinance, based on Township Engineer Olsen and Mr. George White's recommendation. Flatt seconded. Motion carried unanimously.***
3. Ms. Patricia Stevenson, 455 W Sunbury Rd, Request for Bond Refund: Ms. Patricia Stevenson connected to a PennDOT catchbasin without a Highway Occupancy Permit. Center Township applied to PennDOT, as a co-permittee, after Ms. Stevenson met the requirements set by the Board at their October 13, 2010 meeting, for a Highway Occupancy Permit. She posted a maintenance bond in the amount of \$750 and recorded a maintenance agreement, as required. PennDOT rejected the Highway Occupancy Permit application. Ms. Stevenson notified the Board, by letter, she disconnected pipe from PennDOT catchbasin and requests the \$750 maintenance bond be released. ***Schiebel motioned authorizing Township Solicitor Gallagher investigate how to terminate the recorded maintenance agreement and Township Secretary/Treasurer Amendolea to withhold the release of the \$750 maintenance bond posted by Ms. Stevenson until maintenance agreement is rescinded. Erie seconded. Motion carried unanimously.***

**NEW BUSINESS:**

1. Planning Commission Terms: Lynd and Schaefer desire to serve another term (four (4) years). Appointment resolution will be added to the January reorganizational meeting.
2. Tax Collector's Annual Dues: *Flatt motioned authorizing payment of one third of the annual dues in the amount of \$20.00. Frenchak seconded. Motion carried unanimously.*
3. Mineral Extraction Overlay Ordinance: Flatt and Building Code Official/Zoning Officer Round are drafting a Mineral Extraction Overlay Ordinance to further define deep mining and natural gas and oil extraction. Township Solicitor Gallagher provided an opinion on deep mining. No action will be taken at this time.
4. Lambermont Sewage: Mrs. Barbara Lambermont, 169 South Benbrook Road, sewage system was dye tested and failed. She was required to place an alternative system on her property. Mrs. Lambermont requested a second dye test, which passed. Sewage Enforcement Officer Alternate Duncan states e-coli comes from several sources. He suggests more accurate tests for surfactants (soap/detergent) to determine the source of e-coli. The cost will be \$100 (m/l). *Schiebel motioned authorizing Alternate Sewage Enforcement Officer Duncan to test a sample, at his discretion, for surfactants (soap/detergents) to determine source of e-coli. Flatt seconded. Motion carried unanimously.*
5. Authorize Ad for Engineering Services Request for Proposal: *Schiebel motioned authorizing advertising for Engineering Services beginning in 2012 to be published in the Butler Eagle Editions of Sunday, September 25, Sunday, October 2, and Sunday, October 9, 2011. Flatt seconded. Motion carried unanimously.*
6. Road Weight Limit Study: *Schiebel motioned authorizing advertising for a Road Weight Study to be completed. Frenchak seconded. Motion carried unanimously.*
7. American Natural Resources Reimbursement Request: Mr. William Rupert, American Natural Resources, submitted a request to have the Zoning Hearing Board Application fee of \$500.00 be refunded. A breakdown of expenditures provided by Township Secretary/Treasurer Amendolea:

Administrative	\$145.62
Zoning Officer	\$117.40
Advertisement	\$178.00
Postage	\$10.12
Recording Secretary	\$90.00
Total	<u>\$541.14</u>

*Flatt motioned to refund the Zoning Hearing Board Application fee in the amount of \$500.00 paid by American Natural Resources. Frenchak seconded. Flatt and Frenchak aye. Schiebel and Erie nay. Motion failed.*

8. Schedule/Advertise Conditional Use Hearing – 106 Milheim Dr: Pine Street Carpenters applied for a Conditional Use for property at 106 Milheim Drive (formerly 20/20 Eye Care). A public hearing must be held within sixty (60) days of the receipt of the application. ***Flatt motioned scheduling a public hearing for 6:00 p.m. on October 11, 2011 to obtain public comment and/or testimony on Pine Street Carpenters conditional use request. Frenchak seconded. Motion carried unanimously.***
9. Enforcement Notice – 132 Shanahan Rd: Building Code Official/Zoning Officer Round has notified property owner and bank of the Township’s intention to “Abate a Public Nuisance”. He requests the Board order the removal of the pool, fence and cutting of grass before September 23, 2011. ***Schiebel motioned authorizing Public Works Director Lauer to receive quotes, with approval of two (2) Supervisors, to remove the pool, deck and fence at 132 Shanahan Road to be completed no later than October 15, 2011. Frenchak seconded. Motion carried unanimously.***
10. Condemnation Request – 218 Jamisonville Rd: Ms. Stacy Noah requests the Township condemn property at 218 Jamisonville Road (Map and Parcel 2F106 4G). The Butler County Assessment Office suggested she have the property condemned to receive a reduced real estate tax bill. Prior to purchasing property, her complaint presented at the Board of Supervisors regular meeting held on August 12, 2009 was:

*“Stacy Noah- came to talk to the Board once again about 218 Jamisonville Rd. She stated that her basement had flooded again due to this problem and she wants to know what the Board can do if anything to try and get this problem resolved. She stated that John Colombo said the sewage was leaking and he sent the owners a letter. The Board stated that they would have Mike Gallagher and Rich Round work with each other to see what the Township can do.”*

***Flatt motioned denying the request to condemn property at 218 Jamisonville Road (Map and Parcel 2F106 4G), authorize Building Code Official/Zoning Officer Round to pursue appropriate avenue for compliance, and contact Township Engineer Olsen for additional solutions. Frenchak seconded. Frenchak against. Motion carried 3 to 1.***
11. Set Trick or Treat Night: ***Schiebel motioned setting Trick or Treat for the same night as Butler City and Butler Township. Erie seconded. Motion carried unanimously.***
12. Butler County Fall Convention – Prospect Fire Hall – 10/26/2011 - \$15: The Butler County Fall Convention is scheduled for October 26, 2011 at the Prospect Fire Hall. Registration starts at 6:00 p.m. ***Schiebel motioned authorizing Schiebel and Flatt to attend the Butler County Fall Convention on October 26, 2011 at the Prospect Fire Hall at \$15 per attendee. Erie seconded. Motion carried unanimously.***
13. PennDOT ePermitting Training – Indiana – 10/19/2011 - \$0: PennDOT will accept Highway Occupancy Permit applications on line effective October 31, 2011. They are providing a training class at the District 10 office in Indiana on October 19, 2011. ***Schiebel motioned authorizing Township Secretary/Treasurer Amendolea and any Board member to attend PennDOT ePermitting Training in Indiana on October 19,***

**2011 at no cost to the Township. Frenchak seconded. Motion carried unanimously.**

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

1. PA One Call Safety Day – 09/22/2011 – Cranberry Twp - \$0: Public Works Director Lauer requests the Board authorize himself and all road crew employees to attend the PA One Call Safety Day Training at no cost to the Township. ***Schiebel motioned authorizing the attendance of Supervisor Frenchak; Public Works Director Lauer; and road crew employees; Allison, Brewster, Moorhead, Smith, Winchester, and Young at the PA One Call Safety Day training on September 22, 2011 in Cranberry Township at no cost to the Township. Flatt seconded. Motion carried unanimously.***
2. Butler County Safety Training – 10/05/2011 – Vagabond Center - \$10: Public Works Director Lauer requests the Board authorize all road crew employees to attend the Butler County Safety Training at \$10.00 per attendee. ***Schiebel motioned authorizing the attendance of road crew employees Allison, Brewster, Moorhead, Smith, Winchester, and Young at the Butler County Safety Training on October 5, 2011 at the Vagabond Center at the cost \$10.00 per attendee. Erie seconded. Motion carried unanimously.***
3. Schedule/Advertise Fall Leaf Collection: The annual Fall Leaf Collection will begin October 24, 2011 and end November 18, 2011. Bags may be purchased (10 for \$3.50) at the Township office. ***Schiebel motioned authorizing the dates of the Fall Leaf Collection from October 24, 2011 through November 18, 2011 and advertise on the website and the Butler Eagle. Erie seconded. Motion carried unanimously.***
4. Mowing of Abandoned Properties: Several properties were abandoned and require property maintenance. ***Flatt motioned authorizing Frenchak to receive quotes, with two (2) Supervisors approval, for lawn care maintenance to be ratified at the October 12, 2011 meeting. Schiebel seconded. Motion carried unanimously.***

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

1. Blossom Ridge Letter of Credit: Mr. Dennis Beblo posted a Letter of Credit for Blossom Ridge Phase IV, which expires October 17, 2011. Township Engineer Olsen recommends Township Secretary/Treasurer Amendolea contact Mr. Beblo to extend the Letter of Credit. ***Flatt motioned authorizing Township Secretary/Treasurer Amendolea; based on Township Engineer Olsen's recommendation, contact Mr. Dennis Beblo to extend the Blossom Ridge Letter of Credit. Schiebel seconded. Motion carried unanimously.***
2. POS Future – 1737 N Main St: Building Code Official/Zoning Officer Round contacted Township Engineer Olsen to discuss stormwater management on the POS Future property. Round issued a building permit in October 2010. The property owner, Giles, is changing the parking lot. Olsen recommends they construct a rock filled pit to control stormwater runoff.

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

1. Harvey/Cypher Hold Harmless Agreement: Township Solicitor Gallagher forwarded a Hold Harmless Agreement to be signed by Dr. and Mrs. Ronald Cypher, Dr. Keith Harvey and the Township. The agreement was signed by the Cypher's. Township Solicitor Gallagher stated Dr. Harvey requested a change to the hold harmless clause. Gallagher suggested Dr. Harvey meet with Dr. Cypher to discuss the situation. Township Solicitor Gallagher will contact Dr. Harvey to see if the parties agreed. If not, Gallagher will contact Dr. Harvey and Dr. Cypher to meet with the Board to come to a solution.

#### MISCELLANEOUS:

1. Schiebel requests a light be placed outside of the municipal building to illuminate the flagpole. *Flatt motioned authorizing Schiebel to receive quotes to install a light illuminating the flagpole. Frenchak seconded. Motion carried unanimously.*
2. Frenchak stated that there is some confusion with the intersection of Walker Drive and Thornley Drive. Thornley continues to the right while Walker Drive ends at the intersection. Emergency responders sometimes are unable to locate the correct address. He will check with Public Works Director Mark Lauer to see if arrows could be added to the street signs.

#### ADJOURNMENT:

The meeting was adjourned to an executive session to discuss mineral extraction issues at 8:34 p.m. The meeting reconvened at 9:10 p.m. with no action being taken

*Flatt motioned adjourning the Regular Meeting at 9:12 p.m. Erie seconded. Motion carried unanimously.*

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Anthony A. Amendolea  
Township Secretary/Treasurer

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Thomas G. Schiebel  
Chairman

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Andrew Erie  
Vice Chairman

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Ronald E. Flatt  
Supervisor

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Kenneth J. Frenchak Jr  
Supervisor

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Edward G. Latuska  
Supervisor