

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



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

CENTER TOWNSHIP BOARD OF SUPERVISORS  
Regular Meeting Minutes  
May 9, 2012  
6:30 p.m.

**CALL TO ORDER:**

Chairman Ronald Flatt 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 Flatt, present were Vice Chairman Andrew Erie; Supervisors Kenneth Frenchak, Edward Latuska, and Philip Wulff; 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. Beverly Schenck, 105 Iroquois Drive: Ms. Schenck stated employees are attending emergency calls while being paid by the Township. She provided the Board with a breakdown of calls made by Public Works Director Lauer and Road Crew employee Brewster for 2011. The timesheets do not reflect emergency calls.
2. Ms. Patricia Palombo, 5271 Elliott Road: Ms. Palombo questioned the three (3) minute limit for Public to be Heard.
3. Mr. Vincent Travaglio, 333 North Duffy Road: Mr. Travaglio desires to build a garage on a vacant lot. Current ordinance restricts accessory structures on vacant lots. He asked if and when an ordinance change will be made.
4. Ms. Judy Scott, 103 Pinewood Lane: Ms. Scott owns property on Brandon Road (T-401). She requests a speed bump be placed to control speeding vehicles.

**MINUTES:**

1. Agenda Setting Meeting Minutes - April 9, 2012: ***Latuska motioned approving the minutes of the Agenda Setting Meeting held on April 9, 2012. Frenchak seconded. Motion carried unanimously.***
2. Regular Meeting Minutes - April 11, 2012: ***Latuska motioned approving the minutes of the Regular Meeting held on April 11, 2012. Erie seconded. Motion carried unanimously.***

**TREASURER'S REPORT**

1. April 2012: Latuska noted the General Fund Revenue/Expenses Comparison report provided by Secretary/Treasurer Amendolea, as of May 3, 2012, reflected revenues of \$657,082.23 and expenses of \$479,402.93 for a surplus of \$177,679.93. Flatt stated that the change in insurance has saved the Township \$45,395.04 as the April 30, 2012. **Latuska motioned approving the April 2012 Treasurer's Report. Erie seconded. Motion carried unanimously.**
2. Warrant List 12-04-08: **Frenchak motioned approving Warrant List 12-04-08. Latuska seconded. Motion carried unanimously.**
3. Warrant List 12-05-09: **Frenchak motioned approving Warrant List 12-05-09. Latuska seconded. Motion carried unanimously.**

**ZONING REPORT:** April 2012: Construction costs were \$26,055.00 fees collected were \$1,153.46.

**SUBDIVISION & LAND DEVELOPMENTS:**

1. Minto Lot Line Revision No. 2012-04-04, 106 Nulph Lane, Final, Expires 06/26/2012: Minto Lot Line Revision No. 2012-04-04, 106 Nulph Lane, Final Approval, Expires July 24, 2012: Mr. Ron Bole presented a lot line revision for 106 Nulph Lane (Center Township Maps 060-S3-8, 060-S3-23, and 060-S3-23C) consisting of 1.36 acres (m/l). Mr. Minto proposes combining the three (3) lots. Property was combined by deed (Instrument Number 201105180012110), which constitutes an illegal subdivision. Butler County Planning Commission has reviewed the plan with no comments per letter dated April 13, 2012. Township Engineer Olsen's comments are, as follows (*Mr. Bole's comments are italicized*):
  - a. The Applicant should correct typographical errors on the plan labeling.
    - 1) The spelling of the "deleted" should be corrected in three places on the lot description.
    - 2) The word "into" is misspelled in the note at the bottom of the drawing.
  - b. We suggest that a drawing depicting the final lot be depicted on the drawing so that all of the extraneous existing yard setbacks are shown to have been deleted as part of the lot revision process.
  - c. The final lot will be a flag lot in an R-1 zone. A 35' front yard setback, two 15' side yards, and one 35' rear yard should be denoted. It appears that the existing dwelling does not meet side yard setbacks and therefore it should be labeled a non-conforming structure.
  - d. The following information is required by section 14-403 of the Subdivision and Land development Ordinance:
    - 1) Cartway width of the abutting street. (*18' cartway is shown*)
    - 2) Adjacent underground utility lines, right of way and easements.
    - 3) Existing natural gas or oil wells.

Sloan added the following comments:

- a. Private right of way should be depicted. (*Right of way is referred to in the deed*)
- b. Adjacent property owners (Windward Heights and Shanor Manor) are not shown.
- c. Property owner phone number is not shown.
- d. Site map should be enlarged.
- e. Zoning requirements for R-1 are not shown.

The Planning Commission recommended, contingent on Township Engineer Olsen comments a, b, c, d2, d3 and Sloan's comments b, c, d, and e, granting final approval of the Minto Lot Line Revision No. 2012-04-04 at their meeting held on April 25, 2012.

The revised plan reflects the existing structure as "Non-Conforming Use". Township Solicitor Gallagher recommends the wording be changed to "Non-Conforming Structure".

***Erie motioned, contingent on the wording be changed from "Non-Conforming Use" to Non-Conforming Structure" as recommended by Township Solicitor Gallagher, granting final approval to the Minto Lot Line Revision No. 2012-04-04. Frenchak seconded. Motion carried unanimously.***

2. Palombo Lot Line Revision 2012-04-05, 5271 Elliott Road, Final Approval, Expires July 24, 2012: Ms. Patricia Palombo presented a lot line revision for 5271 Elliott Road (Center Township Maps 060-2F61-26B, 060-2F61-26C, 060-2F61-26D, and 2F61 26G) consisting of 5.53 acres (m/l). Ms. Palombo proposes combining the four (4) lots. Butler County Planning Commission has reviewed the plan with no comments per letter dated April 20, 2012. Township Engineer Olsen's comments are, as follows (*Ms. Hughes' comments are italicized*):

- a. The property is located in a Zoning District R-1A and existing/proposed uses appear to meet Zoning District regulations.
- b. The purpose of the plan is to combine four lots into one larger parcel. Copies of Tax Map data we obtained from the Court House are attached.
- c. The Flood Zone Boundary appears to be satisfactory shown. The Flood Zone Boundary will be changing in the near future based on FEMA's access to better mapping.

- 1) Lot areas shall be computed excluding road rights-of-way (Zoning Chapter 20, Para. 20.202.20). (*Lot area calculation to R/W has been added to the plan.*)
- 2) The proposed garage appears to be located in the front yard. We suggest that para. 20-406 B of the Zoning Ordinance be reviewed with the Applicant and Zoning Officer. Building Code Official/Zoning Officer Round

determines the proposed garage is in compliance with current zoning regulations. (The proposed garage has been removed from the Lot Line revision since it will be a building permit issue and doesn't affect the purpose of this plan.)

- 3) This plan qualifies as a minor subdivision.
  - a) A north arrow should be added to the Location Map since it deviates from the main drawing (para. 14-403.G.1.a.). (North arrow has been added to the vicinity map.)
  - b) Cartway width should be added (14-403.G.1.c.), as well as any existing utilities, natural gas, or oil wells. (Cartway has been shown. There are no oil or gas wells on the property.)

The Planning Commission recommended, contingent on showing existing utilities on the plan which are checked "as shown" on application checklist, final approval of the Palombo Lot Line Revision No. 2012-04-05 at their meeting held on April 25, 2012.

**Frenchak motioned, based on the Township Engineer Olsen's recommendation, granting final approval to the Palombo Lot Line Revision No. 2012-04-05. Erie seconded. Motion carried unanimously.**

#### OLD BUSINESS:

1. Stoughton Acres Conditional Use Extension: Mr. Van Smith has decided not to build a four (4) unit lodge on his property due to the expense. **Frenchak motioned denying the conditional use extension for Stoughton Acres and authorizing Secretary/Treasurer Amendolea to notify Mr. Van Smith by letter. Latuska seconded. Motion carried unanimously.**

#### NEW BUSINESS:

1. Nelson Sewage Facilities Planning Module Resolution No. 2012-05-11: Ms. Debra Nelson, 278 West Brewster Road, is converting a barn located at 5375 McCandless Road into a residential dwelling. When the property was subdivided on March 8, 2000, the lot was designated a "Non-Building Lot". To remove the designation, the Township must approve a Sewage Facilities Planning Module Component 1. **Flatt motioned, based on the recommendation of Sewage Enforcement Officer Duncan, approving the Nelson Sewage Facilities Planning Module Resolution No. 2012-05-11. Erie seconded. Motion carried unanimously.**
2. Release Consultant Fees: Township Secretary/Treasurer Amendolea requests release of the following consultant fees:

Development	Type	Approval	Instrument Number	Amount
Covington Stormwater	Land Development	01/03/2012	201202210005149	\$1,666.18
John H Fleig	Lot Line Revision	03/14/2012	201204020008854	\$559.00
M G Rental	Land Development	3/14/2012	201203300008752	\$2,139.00

**Flatt motioned, based on Township Secretary/Treasurer Amendolea's recommendation, approving the release of consultant fees. Erie seconded. Motion carried unanimously.**

3. 2009 Code Commentaries Purchase: Labor and Industry decided not to adopt the 2012 International Codes. Building Code Official/Zoning Officer Round submitted a request to purchase a set of the 2009 Code Commentary Books. The commentaries provide general comments, drawings, figures, and explanations of code requirements. The cost is \$735.22 plus shipping and handling. **Flatt motioned authorizing the purchase of the 2009 Code Commentaries at the cost of \$735.22 plus shipping and handling. Frenchak seconded. Motion carried unanimously.**
4. Clearview Mall Bus Service Resolution No. 2012-05-12: Butler Transit Authority, Mr. John Paul, submitted a resolution for Local Match Funding for transportation services to the Township. The annual fee is \$5,000.00 (\$1,250.00 per quarter) paid by Clearview Mall. **Flatt motioned adopting the Clearview Mall Bus Service Resolution No. 2012-05-12. Erie seconded. Motion carried unanimously.**

**PUBLIC WORKS DIRECTOR:**

1. Authorize Ad for 2012 Aggregate Contract: Public Works Director Lauer requests authorization to advertise for (1) 1,000 tons of #3 limestone, (2) 2,000 tons of #2A modified limestone, and (3) 400 tons of #4 Rip Rap. **Erie motioned authorizing advertisement for (1) 1,000 tons of #3 limestone, (2) 2,000 tons of #2A modified limestone, and (3) 400 tons of #3 limestone in the Butler Eagle editions of May 29, 2012 and June 1, 2012. Latuska seconded. Motion carried unanimously.**
2. Authorize Ad for 2012 Paving Contract: Public Works Director Lauer proposes to place approximately 420 tons of Superpave Binder Course, 19.0mm on Hermitage Road (T-406). He requests authorization to advertise for the 2012 Paving Contract. **Flatt motioned authorizing the advertisement of the 2012 Paving Contract in the Butler Eagle editions of May 29, 2012 and June 1, 2012. Latuska seconded. Motion carried unanimously.**
3. Authorize Ad for 2012 Seal Coat Contract: Public Works Director Lauer proposes to place approximately 114,511 square yards of Single Bituminous Seal Coat, SRL G on (1) Mack Road (T-502), (2) Renick Road (T-501), (3) Rider Church Road (T-569), (4) Gallagher Road (T-642), (5) Hermitage Road (T-406), (6) McCandless Road (T-410), (7) West Brewster Road (T-450), (8) Lions Road (T-694), (9) Henricks Road (T-830), (10) Mahood Road (T-860), (11) Red Dog Road (T-519), (12) Muddy Creek Drive, (T-601), (13) Sunset Drive (T-442), and (14) Swamp Run Road (T-833). He requests authorization to advertise the 2012 Seal Coat Contract. **Flatt motioned authorizing the advertisement of the 2012 Seal Coat Contract in the Butler Eagle editions of May 29, 2012 and June 1, 2012. Erie seconded. Motion carried unanimously.**
4. Summer Student Employees: **Flatt motioned approving the hiring of two (2) Summer Student Employees at \$8.25 per hour. Frenchak seconded. Motion carried unanimously.**
5. Shawnee Drive Water Runoff: Mr. Wilde Paule, 112 Shawnee Drive, attended the Agenda Setting Meeting on Monday, May 7, 2012 to discuss water runoff. Chairman Flatt and Public Works Director Lauer met with

him this morning to review the water damage. Shawnee Drive (T-881) is projected to be placed on the 2013 Paving Program. Public Works Director Lauer requests guidance from the Board ~~to whether~~ whether to (corrected June 13, 2012) widen the road eighteen inches (18") or twenty-four inches (24") on each side. Frenchak question the cost of the project and will this create a problem in later years. Erie stated that the residents on Shawnee Drive are against widening the street. **Latuska motioned, based on the recommendation of Township Engineer Olsen, widening Shawnee Drive twenty-four inches (24") on each side. Flatt seconded. Motion carried unanimously.**

**ENGINEER'S REPORT:**

1. East Hilltop Drive Stormwater: Township Engineer Olsen proposes modifying the east side of East Hilltop Drive (T-700) to the back of the cul-de-sac. He scheduled the survey team to be on the site on May 10, 2012 to map the area.
2. Department of Community Development Seminar: Township Engineer Olsen attended the seminar in State College, PA. It was noted the monies received from Act 13 will be allocated to alleviate the financial woes of the Commonwealth. Flatt noted that Jeff Pierce, Olsen and Associates, is working on our ordinance adopted, on December 14, 2011, to have it in compliance with Act 13.
3. Dollar General: Township Engineer Olsen reported that the Dollar General project has a discrepancy with stormwater flow. They had to pay West Penn Power to relocate utility poles.

**SOLICITOR'S REPORT:** None

**MISCELLANEOUS:**

1. Property Maintenance: The Board received from Building Code Official/Zoning Officer a list of properties requiring grass to be cut. He is proceeding with enforcement. If necessary, liens will be placed on the properties if the Township needs to maintain the properties.
2. Holyoke Road: Flatt will prepare a letter to the Pennsylvania State Police to thank them for patrolling Holyoke Road (T-496) and Sunset Drive (T-442) area.

**ADJOURNMENT:**

**Frenchak motioned to adjourn at 7:30 p.m. Wulff seconded. Motion carried unanimously.**

Anthony A. Amendolea Township Secretary/Treasurer	Ronald E. Flatt Chairman
Andrew Erie Vice Chairman	Kenneth J. Frenchak, Jr Supervisor
Edward G. Latuska Supervisor	Philip B. Wulff Supervisor