

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
 August 8, 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 6:31 p.m. The meeting was held at the Center Township Municipal Building, 419 Sunset Drive, Butler PA 16001.

ROLL CALL:

In addition to Chairman 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):

- Ms. Beverly Schenck, 105 Iroquois Drive: Ms. Schenck stated that Ms. Joyce Schweinsberg attended the meeting held on July 11, 2012 requesting a possible solution to construct a roof over an existing non-conforming deck. Ms. Schenck suggests amending the ordinance to permit for extenuating circumstances.

MINUTES:

- Agenda Setting Meeting Minutes - July 9, 2012: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on July 9, 2012. Frenchak seconded. Motion carried unanimously.*
- Regular Meeting Minutes - July 11, 2012: *Flatt motioned approving the minutes of the Regular Meeting held on July 11, 2012. Erie seconded. Latuska abstained. Motion carried 4 to 1.*

TREASURER'S REPORT:

- July 2012: *Flatt motioned approving the July 2012 Treasurer's Report. Erie seconded. Motion carried unanimously.*
- Warrant List 12-07-14: *Frenchak motioned approving Warrant List 12-07-14. Erie seconded. Motion carried unanimously.*
- Warrant List 12-08-15: *Latuska motioned approving Warrant List 12-08-15. Erie seconded. Motion carried unanimously.*

ZONING REPORT: July 2012: Construction costs were \$56,950.00 fees collected were \$1,279.85.

SUBDIVISION & LAND DEVELOPMENTS:

1. Layton Lot Line Revision No. 2012-07-06, 112 S Benbrook Rd, Final Approval, Expires 10/23/2012: Mr. William Layton proposes to convey 3.31 acres (m/l) from 110 South Benbrook Road (Center Township Map 060-3F41-41) to 112 South Benbrook Road (Center Township Map 060-3F41-41C). Butler County Planning Commission had no comments per letter dated June 29, 2012. Olsen comments are, as follows (*Mr. Layton's comments are italicized*):
 - a. The Applicant must request a modification to Chapter 14, Article IV, Subsection 14-403, Paragraph G, Subparagraph 1.c not to provide detail bearings and dimensions survey for the remnant parcel (Center Township Map 060-3F41-41). *Will provide a written modification.*
 - b. DEP requires any lot line revision be inspected by the Township Sewage Enforcement officer unless remnant (Center Township Map 060-3F41-41) is designated as "non-building lot". *Residual lot will be designated as "non-building lot" with appropriate language.*
 - c. Sloan comments are, as follows (*Mr. Layton's comments are italicized*)
 - 1) The on lot detention sump detail must be on the plan. *Engineer will add the on lot detention sump detail on the drawing.*
 - 2) Notes on drawing that designate "R-1" properties should be corrected to "R-1A". *Engineer will make the change.*
 - 3) The location of the parcel (Center Township Map 060-3F41-41C) on the plan conflicts with the Butler County GIS Map. *Engineer will contact Butler County Planning to correct the location.*

The Planning Commission recommended granting a modification from Chapter 14, Article IV, Section 14-403, Subsection G, Paragraph 1.c not to provide detail bearings and dimensions survey for the remnant parcel (Center Township Map 060-3F41-41).

The Planning Commission recommended final approval of the Layton Lot Line Revision No. 2012-07-06 with contingencies of (1) add the on lot detention sump detail on the plan; (2) designate residual parcel (Center Township Map 060-3F41-41) as a "Non-Building Lot"; (3) designation of "R-1" corrected to read "R-1A", and (4) the location of parcel (Center Township Map 060-3F41-41C) is corrected by Butler County Planning.

Mr. Layton presented a revised plan with the Planning Commission contingencies addressed.

Latuska motioned granting modification from Chapter 14, Article IV, Section 14-403, Subsection G, Paragraph 1.c to provide detail bearings and dimensions survey for the residual parcel (Center Township Map 060-3F41-41). Frenchak seconded. Motion carried unanimously.

Frenchak motioned granting final approval to the Layton Lot Line Revision No. 2012-07-06. Latuska seconded. Motion carried unanimously.

2. Baxter Mobile Home Park Land Development No. 2012-07-07, 455 Jamisonville Rd, Preliminary/Final Approval, Expires 10/23/2012: ***Frenchak motioned to table the Baxter Mobile Home Park Land Development No. 2012-07-07 due to no representation. Latuska seconded. Motion carried unanimously.***

OLD BUSINESS: None

NEW BUSINESS:

1. Butler Area Sewer Authority Consent Order Agreement Resolution No. 2012-08-13: Butler Area Sewer Authority is requesting an extension from the Department of Environmental Protection Consent Order. The Township is required to sign the "First Modification to Consent Order and Agreement Dated October 13, 2006" and adopt Resolution No. 2012-08-13. **Latuska motioned (1) authorizing Chairman Flatt to sign the "First Modification to Consent Order and Agreement Dated October 13, 2006 and (2) adopt the Butler Area Sewer Authority Consent Order Agreement Resolution No. 2012-08-13. Erie seconded. Motion carried unanimously.**
2. Release Consultant Fees: Township Secretary/Treasurer Amendolea requests the following consultant fees be released.

Development	Type	Approval	Instrument Number	Amount
Brian M Minto	Lot Line Revision	05/09/2012	201205210014401	\$552.50
Daniel J Palombo	Lot Line Revision	05/09/2012	201205310015532	\$389.75
David M Paraska	Lot Line revision	04/11/2012	201205040012617	\$503.50

Erie motioned authorizing the release of consultant fees as requested by Township Secretary/Treasurer Amendolea. Latuska seconded. Motion carried unanimously.

4. Hutchison Small Flow Treatment Facility Maintenance Agreement: Ms. Sandra Hutchison owns property at 1210 Sunset Drive (Center Township Map 060-S6-C7) which failed a dye and percolation test. She is required to install a small flow facility treatment system and enter into an agreement with the Township to guarantee proper operation and maintenance of the system. **Frenchak motioned authorizing Chairman Flatt to sign the Hutchison Small Flow Treatment Facility Maintenance Agreement. Erie seconded. Motion carried unanimously.**

PUBLIC WORKS DIRECTOR:

1. Award 2012 Line Painting Contract: The Township advertised for line painting of 300,000 linear feet, with option of 500,000 linear feet. The following bids were received:

Company	Price per Linear Foot
CASMAC Line Striping Inc 388 Hazel Dr Pittsburgh, PA 15228	Single Line \$.06 Double Line \$.10
Midlantic Marking Inc PO Box 7997 Gaithersburg, MD 20898	Single Line \$.0473 Double Line \$.0946
Willman & Williams 1605 E Route 422 Fenelton, PA 16034-9746	Single Line \$.057 Double Line \$.110

Erie motioned awarding the 2012 Line Painting Contract to Midlantic Marking, Inc for single line at \$.0473 per linear foot and double line at \$.0946 per linear foot. Latuska seconded. Motion carried unanimously.

2. Authorize Bid for Used Vehicle: Lauer and Latuska inspected a truck available for bid. The truck is a 1992 International with 15,800

- miles. The minimum bid is \$15,000 to be submitted by early September. Lauer stated that to retrofit for Township usage would cost approximately \$10,000. The truck would replace the 1989 International and used strictly for winter use. Life of the truck would be about ten (10) years.
3. PA One Call Safety Day, 9/13/2012, Cranberry Township, \$0: Lauer requests authorization for the road crew and himself to attend the PA One Call Safety day on September 13, 2012 in Cranberry Township at no cost to the Township. **Flatt motioned authorizing Allison, Brewster, Frenchak, Lauer, Moorhead, Smith, Winchester, and Young to attend the PA One Call Safety Day on September 13, 2012 in Cranberry Township at no cost to the Township.**
 4. 1998 GMC Cargo Van: The 1998 GMC Cargo Van did not pass inspection. Lauer requested permission to scrap the van. **Latuska motioned authoring Lauer to sign the title and scrap the 1998 GMC Cargo Van. Flatt seconded.**
 5. 2012 Paving Contract: Lauer reported that the 2012 Paving Contract is complete. Seal coat is scheduled for August 27, 2012.
 6. July 28, 2012 Storm Damage: The storm caused damage throughout the Township.

ENGINEER'S REPORT:

1. East Hilltop Drive Stormwater: Township Engineer Olsen placed the ad to accept bids for the East Hilltop Drive project in the Butler Eagle edition dated August 8, 2012. He prepared an alternate bid package to include widening of East Hilltop Drive and placement of curbs. Olsen needs to acquire signatures on agreements from (1) Mr. and Mrs. Ryan Christy, 215 East Hilltop Drive, (Center Township Map 060-S12-A15) to provide a right-of-way and stormwater easement through their property with a condition of permitting them to park their vehicles along the roadway during winter months; (2) Mr. and Mrs. Gregory Rousseau, 211 East Hilltop Drive, (Center Township Map 060-S12-A14) to provide a right-of-way through their property; and (3) Mr. and Mrs. Justin Miller, 311 Glenwood Way, (Center Township Map 060-S1-F2) to provide a stormwater easement through their property. Mr. and Mrs. Miller are willing to contribute approximately \$3,000 for drainage pipe. They need to sign a right-of-way to permit construction vehicles on their property. Latuska and Erie stated they will attend the bid opening on August 23, 2012 at 11:00 p.m.
2. Timothy Lane: Wiest Paving and Asphalt contacted Olsen to meet to discuss the possibility of upgrading Timothy Lane for adoption by the Township. Olsen is to direct Wiest to review the specifications for roadway adoption from the Center Township web site.

SOLICITOR'S REPORT:

1. Act 13 Commonwealth Court Ruling: The Pennsylvania Commonwealth Court issued a ruling on July 26, 2012 declaring portions of Act 13 of 2012 as unconstitutional. The Court ruled that Section 3304, which addressed the uniformity of local ordinances, is null and void because any action by a local municipality required by Act 13 would violate substantive due process rights. Also, Section 3215 (b) (5) is null and void

because it gives insufficient guidance to the Department of Environmental Protection as to when to grant a waiver from setback requirements. Gallagher recommends not proceeding with any amendments for Act 13 until further notice. Ordinance passed on December 14, 2011 is valid.

2. "5 to 3" Referendum: Gallagher reported on the referendum appearing on the November ballot to reduce the number of supervisors from five (5) to three (3). If passed, the current seats would be vacated on January 1, 2014. The 2013 election will select three (3) supervisors in the following order; individual receiving most votes will serve a six year term; individual with second highest votes will serve a four year term; and individual with least number of votes will serve a two year term. Since three of the current supervisors terms do not expire, there is a question of the referendum being unconstitutional.

MISCELLANEOUS:

1. Medical Costs: Frenchak reported that the Township has saved \$83,220.04 through July 31, 2012 by switching insurance companies.
2. Liquid Fuel Vehicle/Equipment Purchase: Frenchak reported that since 1998 equipment purchases were (1) a pickup truck in 2003 for \$18,000; (2) a roller in 2004 for \$13,794; and (3) a dump truck in 2011 for \$152,575 totaling \$184,369 or five point two percent (5.2%) of the total funds received from the Commonwealth.
3. Maintenance Facility Loan: Erie and Amendolea met with Mr. Ron Germaine, NexTier Bank, to discuss the possibility of refinancing the Maintenance Facility loan. NexTier will reduce the interest rate from 4.17% to 2.60% for the next seven (7) years. The Township will realize a savings of \$161,000.

ADJOURNMENT:

The meeting adjourned to executive session at 7:30 p.m. for the Board to discuss amount of bid to purchase used vehicle being offered and personnel matters. The meeting reconvened at 8:15 p.m. with the following action:

1. ***Frenchak motioned authorizing Lauer to spend up to \$10,000 on a comparable vehicle to the 1998 GMC Cargo Van. Latuska seconded.***
2. ***Frenchak motioned authorizing a sealed bid in the amount of \$18,100 for the 1992 International truck available for bid. Latuska seconded. Erie opposed. Motion carried 4 to 1.***

Erie motioned to adjourn at 8:20 p.m. Latuska 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