

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

September 12, 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. Mr. Barry Cummings, 229 Beechwood Boulevard: Mr. Cummings stated that he receives water from the road. The water is from twelve to eighteen inches deep. He requests a wedge curb to protect his property.

**MINUTES:**

1. Agenda Setting Meeting Minutes - August 6, 2012: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on August 6, 2012. Frenchak seconded. Motion carried unanimously.*
2. Regular Meeting Minutes - August 8, 2012: *Latuska motioned approving the minutes of the Regular Meeting held on August 8, 2012. Frenchak seconded. Motion carried unanimously.*

**TREASURER'S REPORT:**

1. August 2012: *Flatt motioned approving the August 2012 Treasurer's Report. Erie seconded. Motion carried unanimously.*
2. Warrant List 12-08-16: *Latuska motioned approving Warrant List 12-08-16. Frenchak seconded. Motion carried unanimously.*
3. Warrant List 12-09-17: *Latuska motioned approving Warrant List 12-09-17. Erie seconded. Motion carried unanimously.*
4. Authorize Ad to Appoint CPA for 2012 Audit: *Flatt motioned authorizing placing an ad to appoint a CPA for the 2012 Audit in the Butler Eagle editions on Sunday, September 30, 2012 and Monday, October 8, 2012. Erie seconded. Motion carried unanimously.*

5. Authorize Ad for Budget Workshops: Latuska noted that as of the end of August the Township has a surplus of \$251,477.63. **Erie motioned authorizing placement of an ad to advertise the budget workshops in the Butler Eagle edition on Sunday, September 30, 2012. Frenchak seconded. Motion carried unanimously.**

**ZONING REPORT:** August 2012: Construction costs were \$608,500.00 fees collected were \$3,757.72.

**SUBDIVISION & LAND DEVELOPMENTS:**

1. Baxter Mobile Home Park Land Development No. 2012-07-07, 455 Jamisonville Rd, Preliminary/Final Approval, Expires 10/23/2012: Mr. Paul Cornetti and Mr. Jay Baxter presented a land development plan to add an additional fifteen (15) mobile home lots to Center Township Map 060-3F41-19. The Planning Commission recommended preliminary approval at their meeting held on June 27, 2012. At their meeting held on July 25, 2012, the Commission recommended granting a modifications from (1) Chapter 14, Article XI, Section 14-1101, Subsection B, Subparagraph 2 roadway widths requirement; (2) Chapter 14, Article XI, Section 14-1101, Subsection C, Subparagraph 1 buffer yard requirements; and (3) Chapter 14, Article XI, Section 14-1101, Subsection C, Subparagraph 2 fire hydrant requirements.

The Planning Commission recommended final approval at their July 25, 2012 meeting with contingencies of (1) revising the thirty foot (30') radius curve to a "T" intersection; (2) add road detail to the plan and a hold harmless agreement in the Developer's Agreement; (3) add road section detail to the plan; (4) add responsibility of maintaining (including snow removal) individual parking areas in the Developer's Agreement; (5) add stormwater management easement to the plan; (6) apply for a NPDES permit for the stormwater management plan and sediment control; (7) provide financial guarantee for stormwater management, construction of road, and dry hydrant installation; and (8) sanitary sewer approval by DEP.

Mr. Paul Cornetti addressed the contingencies required by the Planning Commission (1) revised the thirty foot (30') radius curve to a "T" intersection; (2) added road detail to the plan and a hold harmless agreement in the Developer's Agreement; (3) added road section detail to the plan; (4) added responsibility of maintaining (including snow removal) individual parking areas in the Developer's Agreement; (5) added stormwater management easement to the plan; (6) applied for a NPDES permit for the stormwater management plan and sediment control; (7) provided financial guarantee cost estimate for stormwater management (\$52,323.15), road construction (\$71,317.40), and dry hydrant installation (\$29,107.10); and (8) received sanitary sewer approval from DEP.

Frenchak asked if they received a state certified fire protection engineer. Mr. Cornetti stated that he contacted Mr. Wayne Kovak, Butler County Community College. Mr. Kovak stated there is no state certified fire protection engineer available in Pennsylvania. Mr. Cornetti added that placing his seal on the plan was sufficient to approve the dry hydrant system. Gallagher and Olsen concurred.

**Latuska motioned granting modification from Chapter 14, Article XI, Section 14-1101, Subsection B, Subparagraph 2 roadway widths requirement. Frenchak seconded. Motion carried unanimously.**

*Frenchak motioned granting modification from Chapter 14, Article XI, Section 14-1101, Subsection C, Subparagraph 1 buffer yard requirements. Erie seconded. Motion carried unanimously.*

*Erie motioned granting modification from Chapter 14, Article XI, Section 14-1101, Subsection G park lighting requirements. Wulff seconded. Motion carried unanimously.*

*Frenchak motioned granting modification from Chapter 14, Article XI, Section 14-1101, Subsection C, Subparagraph 2 fire hydrant requirement which the dry hydrant system is in lieu of fire hydrants. Erie seconded. Motion carried unanimously.*

*Flatt motioned granting modification from Pennsylvania Municipalities Planning Code Article V, Section 509, Subsection (b) posting Performance Bond in the amount of \$152,747.65 within ninety (90) days, which is extended to one hundred eighty (180) days. However, execution of the Developer's Agreement in accordance with the Pennsylvania Municipalities Planning Code Article V, Section 513, Subsection (a) must be recorded within ninety (90) days of final approval. Mr. Baxter agrees to the terms. Erie seconded. Motioned carried unanimously.*

*Erie motioned, based on Gallagher's recommendation of (1) the conditions of the above mentioned modifications and the Developer's Agreement; (2) review of the NPDES permit by Olsen; (3) not to use the Condominium Act of Pennsylvania; (4) Mr. Cornetti's seal on the mylar applies to the dry hydrant system; and (5) the private property owners agree not to require public sewage in case the property is sold or in an emergency, granting final approval of the Baxter Mobile Home Park Land Development No. 2012-07-07. Mr. Baxter agrees to the terms. Frenchak seconded. Motion carried unanimously.*

2. East Hilltop Drive Reconstruction: The Township is correcting a stormwater problem which created a problem to a downstream resident. In order to proceed, the Township needed to acquire easements and rights-of-way from three residents. *Erie motioned, contingent of receiving all of the affected property owners signatures, granting final approval to the East Hilltop Reconstruction Plan which acquired the necessary easements and rights-of-way from the affected residents. Frenchak seconded. Motion carried unanimously.*

**OLD BUSINESS:**

1. Dennis Martsolf vs. Center Township: Mr. Dennis Martsolf filed a claim through our insurance company when a culvert collapsed on West Brewster Road in 2010. Mr. Martsolf and the insurance company agreed to a settlement on September 7, 2012. *Flatt motioned ratifying the settlement between the insurance company and Mr. Dennis Martsolf. Erie seconded. Motion carried unanimously.*
2. Weight Limit Study: Flatt and Lauer met with EADS Group this afternoon at 1:00 p.m. to discuss the results of the study. The study is still in progress. A recommendation should be made at the October 10, 2012 meeting.

**NEW BUSINESS:**

1. General Note Obligation Interest Modification Resolution No. 2012-09-14: The Board contacted NexTier Bank to refinance the current loan for the new Maintenance Facility. NexTier offered 2.6 percent for seven (7) years with renegotiation prior to December 1, 2019. **Flatt motion adopting the General Note Obligation Interest Modification Resolution No. 2012-09-14 which restructures the current interest rate from 4.17 percent to 2.6 percent through November 30, 2019. Erie seconded. Motion carried unanimously.**
2. Set Trick or Treat Night: **Flatt motioned establishing Trick or Treat Night to be October 31, 2012 from 6:00 p.m. to 7:00 p.m. as set by Butler Township and Butler City. Erie seconded. Motion carried unanimously.**
3. Authorize Ad for Fall Leaf Collection: The Township will begin curbside collection of leaves from October 22, 2012 through November 16, 2012. Only leaves in biodegradable bags will be collected. Leaves may be dropped off at the Maintenance Facility located at 150 Henricks Road. **Erie motioned authorizing advertisement for the fall leave collection in the Butler Eagle. Latuska seconded. Motion carried unanimously.**
4. Chambers Sewage Facilities Planning Module Resolution No. 2012-09-15: **Flatt motioned adopting the Chambers Sewage Facilities Planning Module Resolution No. 2012-09-15. Erie seconded. Motion carried unanimously.**
5. Annual Inspection of Small Flow Treatment Facilities: Sewage Enforcement Officer, Doug Duncan, requests authorization to perform a one-time inspection of all small flow treatment facilities. According to maintenance agreement the Township has a right to perform this inspection and pass the cost onto the property owner. **Flatt motioned authorizing the Sewage Enforcement Officer, Doug Duncan to perform a one-time inspection on all small flow treatment facilities with the cost passed onto the property owner and report back to the Board. Latuska seconded. Motion carried unanimously.**

**PUBLIC WORKS DIRECTOR:**

1. Butler County Safety Training - October 10, 2012 - Vagabond Center - \$10: Lauer requests authorization to have the road crew attend the Butler County Safety Day on October 10, 2012 at a cost of \$10.00 per attendee. **Erie motioned authorizing Allison, Brewster, Moorhead, Smith, Winchester, and Young to attend the Butler County Safety Training on October 10, 2012 at the Vagabond Center at a cost of \$60.00. Latuska seconded. Motion carried unanimously.**

2. Award Contract for East Hilltop Drive Reconstruction Project: The Township received the following bids:

Company	Base Bid	Alternate No. 1	Alternate No. 2	Total
Shields Asphalt Paving P.O. Box 672 Valencia, PA 16059	\$191,385.90	\$7,884.00	\$36,800.28	\$236,070.18
Phil Hay & Sons 120 Russell Road Fenelton, PA 16034	\$180,736.63	\$9,900.00	\$43,608.40	\$234,245.03
Fleming-Walker Inc 1612 Perry Highway Portersville, PA 16051	\$171,800.00	\$16,056.00	\$44,910.00	\$232,766.00
Gregori Construction & Engineering 736 Ekastown Road Sarver, PA 16055	\$135,321.00	\$8,640.00	\$12,690.00	\$156,651.00

**Flatt motioned, contingent on receiving all affected property owners' signatures, awarding, base bid, alternate no. 1, and alternate no. 2, the East Hilltop Drive Reconstruction Contract to Gregori Construction and Engineering at \$156,651.00. Erie seconded. Motion carried unanimously.**

3. 2012 Paving Program Completion Certificate: The 2012 Paving Program is complete. Therefore, the Notice of Completion must be completed by both parties. **Latuska motioned authorizing Chairman Flatt to sign the Notice of Completion. Erie seconded. Motion carried unanimously.**
4. 1992 International Truck Purchase: A bid in the amount of \$18,100.00 was submitted to Chicora Volunteer Fire Department for their 1992 International Truck. Lauer stated that the bid was accepted and the Township needs to submit a check in the amount \$1,000.00. **Flatt motioned to issue a check in the amount of \$1,000.00 payable to Chicora Volunteer Fire Department from the Capital Projects Fund. Latuska seconded. Motion carried unanimously.**
5. State Route 8/308 Signal: The Township received complaints about the signal at State Routes 8 and 308. Lauer contacted Bronder Technical Services to check the system. The signal is working properly. If any changes are made, the Township would need PennDot's approval.
6. State Route 8/Mahood Road/Unionville Signal: Bronder Technical Service reported that the loop sensor on State Route 8 is not working properly. Since it is not impeding traffic, Lauer stated it would not be replaced.

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

1. Blossom Ridge Phase IV Letter of Credit: The Blossom Ridge Phase IV Letter of Credit will expire October 17, 2012. Mr. Dennis Beblo will renew the Letter of Credit for Blossom Ridge Phase VI.
2. PennDot High Occupancy Permit: Olsen is providing advance notice on a policy being established by PennDot. If an individual desires to connect to PennDot's stormwater system, the Township must apply as co-applicant and sign an agreement with the property owner.

**SOLICITOR'S REPORT:**

- 1. Miller Temporary Right-of-Way and Easement Agreement: Mr. Justin Miller agreed to provide a temporary right-of-way and easement to the Township for the East Hilltop Drive Reconstruction Project. **Frenchak motioned authorizing Chairman Flatt to sign the Miller Temporary Right-of-Way and Easement Agreement. Latuska seconded. Motion carried unanimously.**

**MISCELLANEOUS:**

- 1. Trash Ordinance: The Board received a request to amend the Trash Ordinance. The consensus of the Board is the ordinance does not need amended.
- 2. Insurance Change: Flatt reported that the savings the Township has realized through August 2012 is \$95,865.00.
- 3. Litigation Costs: Frenchak stated that litigation costs for the Schenck Right-to-Know request (Unionville VFC) totals \$11,562.00.

**ADJOURNMENT:**

**Latuska motioned to adjourn at 8:31 p.m. Erie seconded. Motion carried unanimously.**

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Anthony A. Amendolea  
Township Secretary/Treasurer

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Ronald E. Flatt  
Chairman

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Andrew Erie  
Vice Chairman

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Kenneth J. Frenchak, Jr  
Supervisor

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Edward G. Latuska  
Supervisor

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Philip B. Wulff  
Supervisor