

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
December 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; Public Works Director Mark Lauer; and Township Secretary/Treasurer Anthony Amendolea. Township Engineer Ron Olsen arrived at 6:35 p.m.

PUBLIC TO BE HEARD (3 MINUTE LIMIT): None

MINUTES:

1. Budget Workshop Meeting Minutes - November 13, 2012: **Latuska motioned approving the minutes of the Budget Workshop Meeting held on November 13, 2012. Frenchak seconded. Motion carried unanimously.**
2. Agenda Setting Meeting Minutes - November 13, 2012: **Latuska motioned approving the minutes of the Agenda Setting Meeting held on November 13, 2012. Erie seconded. Motion carried unanimously.**
3. Regular Meeting Minutes - November 14, 2012: **Latuska motioned approving the minutes of the Regular Meeting held on November 14, 2012. Frenchak seconded. Motion carried unanimously.**

TREASURER'S REPORT:

1. November 2012: **Latuska motioned approving the November 2012 Treasurer's Report. Frenchak seconded. Motion carried unanimously.**
2. Warrant List 12-11-22: **Flatt motioned approving Warrant List 12-11-22. Latuska seconded. Motion carried unanimously.**
3. Warrant List 12-12-23: **Latuska motioned approving Warrant List 12-12-23. Frenchak seconded. Motion carried unanimously.**
4. General Fund Transfer: Flatt stated the Township has a surplus of \$197,377.41. If the Township did not have to make a third health insurance payment, the surplus would be over \$300,000. **Flatt motioned**

transferring \$50,000, half of the health insurance savings, to the Capital Projects Fund. Latuska seconded. Motion carried unanimously.

5. Adopt 2013 Proposed Budget: The Board of Supervisors reviewed the 2013 proposed budget at their workshop meetings held on October 9, 2012 and November 13, 2012. The Budget was available for public review at the Township office or the website as advertised in the Wednesday, November 21, 2013 Butler Eagle edition. **Frenchak motioned adopting the 2013 Budget. Latuska seconded. Motion carried unanimously.**
6. 2013 Tax Levy Resolution No. 2012-12-18: The real estate tax millage rate for 2013 remains at 2.75 mills General Fund, 2.5 mills Debt Service, and 1.8 mills Fire Protection Fund. **Latuska motioned adopting 2013 Tax Levy Resolution No. 2012-12-18. Erie seconded. Motion carried unanimously.**
7. General Fund Reserve Transfer: **Flatt motioned transferring \$60,000 from the General Fund Reserve to Line Item 392.000 to cover costs for salt and East Hilltop Drive. Latuska seconded.**

ZONING REPORT: November 2012: Construction costs were \$20,432.00 fees collected were \$986.30.

SUBDIVISION & LAND DEVELOPMENTS: None

OLD BUSINESS:

1. Use of Township Abandoned Road: Mr. Nathan Brown presented a proposed plan to subdivide property on Jamisonville Road (Center Township Map 2F108 6A) for the purpose of constructing a single family home. He desires to use a Township abandoned road (Brackney Road). The Board at their November 14, 2012 meeting authorized Township Solicitor Gallagher to review information provided by Mr. Brown to determine if the abandoned road could be used as ingress and egress to his property. Gallagher stated that the property reverts to the adjoining property owners when a road is vacated. He feels this a private property issue. Flatt asked Township Solicitor Gallagher to further review the request.

NEW BUSINESS:

1. Weight Limit Ordinance No. 2012-12-02: Since a weight limit study was completed by The EADS Group on October 10, 2012, the Board desires to amend the current weight limit ordinance. The "Intent to Adopt" ad appeared in the Sunday, December 2, 2012 Butler Eagle edition. **Flatt motioned adopting Weight Limit Ordinance No. 2012-12-02. Erie seconded. Motion carried unanimously.**
2. Hutchison Sewage Facilities Planning Module Resolution No. 2012-12-19: Ms. Sandra Hutchison owns property at 1210 Sunset Drive (Center Township Map 060-S6-C7) which the sewage system failed. She is required to install a small flow treatment facility. **Flatt motioned (1) adopting Hutchison Sewage Facilities Planning Module Resolution No. 2012-12-19 and (2) authorize Township Secretary/Treasurer Amendolea to sign the Sewage Planning Module. Erie seconded. Motioned carried unanimously.**
3. Marcellus Shale Impact Fees Resolution No. 2012-12-20: The Township is required to acknowledge receipt and allocating the Marcellus Shale

Impact Fees. **Latuska motioned adopting Marcellus Shale Impact Fees Resolution No. 2012-12-20. Frenchak seconded. Motion carried unanimously.**

4. PSATS Medical Insurance Deductible: In order to maintain low rates for medical insurance, PSATS increased the deductible for our plan (PPO Plan B) from zero to \$300.00 for individual and \$600.00 for family. The Board is required to reimburse the deductible per the current Collective Bargaining Agreement. **Latuska motioned (1) reimbursing the 2013 deductible at the individual rate of \$300.00 and family rate of \$600.00 and (2) authorizing Township Secretary/Treasurer Amendolea to contact Employees Benefit Corporation to amend the current plan to include reimbursement of deductibles. Flatt seconded. Motion carried unanimously.**
5. Isacco's Request for Land Development Waiver: Mr. Joshua Isacco, 452 W Sunbury Road, presented a request to permit a 24 x 40 storage area onto an existing structure located at 452 West Sunbury Road (Center Township Map 060-2F61-31). The property currently has a brick dwelling with a barn, garage and a frame building. Also, a non-conforming floor tile business is being operated at this location. The existing pond was increase to 33,000 gallons to accept a new home at 456 West Sunbury Road (Center Township Map 060-2F61-31H) and the proposed 960 square foot addition. Round informed the Planning Commission that this property consisted of a mixed used (Agriculture/Commercial), which required a land development submittal. The Planning Commission recommended waiving the Land Development requirements of Chapter 14, Article III, Section 14-302, Subsection B. **Frenchak motioned, with stipulations of, as set forth by the Planning Commission, (1) the existing building is non-conforming which is permitted to be expanded fifty percent (50%), could not be expanded again and (2) permits the second non-conforming building to be expanded fifty percent (50%) in the future, granting waiver of Land Development requirements of Chapter 14, Article III, Section 14-302, Subsection B. Flatt seconded. Motion carried unanimously.**
6. Proposed False Alarm Ordinance: The Unionville Volunteer Fire Company asked the Board to considered adopting a false alarm ordinance. An ordinance is ready for Township Solicitor Gallagher's review prior to advertising. **Flatt motioned authorizing Township Solicitor Gallagher to review the proposed ad and false fire alarm ordinance prior to placement of an ad in the Butler Eagle. Erie seconded. Motion carried unanimously.**
7. International Mechanical Code Essentials, 12/4 - 12/5/2012, Monroeville, \$195: Building Code Official/Zoning Officer Round attended the International Mechanical Code Essentials training held on December 4 and 5, 2012 in Monroeville with a fee of \$195.00. Round requests reimbursement of the \$195.00 registration fee. **Erie motioned reimbursement of the \$195.00 registration fee to Building Code Official/Zoning Officer Round. Frenchak seconded. Motion carried unanimously.**
8. Proposed Armstrong Cable Franchise Agreement Ordinance: The Township is currently being charged for internet service. Armstrong Cable suggested the Township sign a franchise agreement with no fees so the Township would not be charged for internet services. The proposed ordinance and agreement was forwarded to Township Solicitor Gallagher

for his review which has not been completed. **Flatt motioned authorizing the placement of an ad in the Sunday, December 30, 2012 Butler Eagle edition, if Township Solicitor Gallagher completes a review of the ad, ordinance, and Armstrong Cable franchise agreement prior to December 20, 2012. Erie seconded. Motion carried unanimously.**

PUBLIC WORKS DIRECTOR:

1. Authorize Ad for Anti-Skid: The Township will purchase approximately 3,000 tons of Anti-Skid material for 2013. McClymonds Supply and Transit Company submitted the only bid in the amount of \$12.20 per ton totaling \$36,600.00. **Erie motioned awarding the 2013 Anti-Skid contract to McClymonds Supply and Transit Company in the amount of \$12.20 per ton totaling \$36,600.00. Latuska seconded. Motion carried unanimously.**
2. Release Andy's Sawmill Road Bond (Renick Rd/Mack Rd): Andy's Sawmill submitted a request to release their road bond for Renick Road (T-501) and Mack Road (T-502). **Erie motioned, based on Public Works Director Lauer's recommendation, releasing Andy's Sawmill road bond in the amount of \$3,750.00. Frenchak seconded. Motion carried unanimously.**
3. Chicora's Tanker Purchase: When the Township purchased Chicora's tanker it included a port-a-tank. Petrolia Volunteer Fire Department contacted Public Works Director Lauer to have the Township sale or donate the port-a-tank. **Flatt motioned donating the port-a-tank to Petrolia Volunteer Fire Department. Latuska seconded. Motion carried unanimously.**
4. Used Vehicle: Public Works Director Lauer desires to replace the 1996 GMC van which was scrapped. He located a 2001 Ford F250, Crew Cab, 4 wheel drive, six foot (6') bed, 128,260 miles, gasoline engine at Dan Haas Auto Sales, 3604 Oneida Valley Road, Emlenton, PA for \$6,300 plus fees. **Flatt motioned authorizing the purchase of the 2001 Ford F250 truck from Dan Haas Auto Sales for \$6,300 plus fees. Latuska seconded. Motion carried unanimously.**
5. State Route 8/Unionville/Mahood Signal: Bronder Technical Services repair the sensor at State Route 8/Unionville/Mahood Signal.
6. Oakland Township Assistance: Oakland Township performed 16 hours of mowing in exchange for the Township transporting equipment to and from Cranberry Township.
7. Clearview Mall Invoice: On November 23, 2012, the mall contacted Bronder Technical Service to change signal operation to accommodate Black Friday shoppers. The Township was invoice by Bronder which in turn was forwarded to Clearview Mall management.

ENGINEER'S REPORT:

1. 164 South Benbrook Road Stormwater Management Exemption Request: Mr. William McGarvey submitted a request for an exemption of stormwater management at 164 South Benbrook Road (Center Township Map 060-3F43-7DB). He states, "coverage on parcel 7DB will be changed from row crops to a grass cover area around the new house which is being constructed more than 100 feet from any down gradient property. With this change in planting the runoff from all storms will be decreased

and will increase the possible infiltration into the ground water. This planting change will result in an equal or better means of complying with the intent of the stormwater ordinance."

Erie, Mr. Dave Paraska, and Mr. George White, Olsen Engineering, met on November 30, 2012 to discuss the waiver request. Mr. Paraska agreed to install a three foot (3') gravel filled trench on both sides of the drive and an on-lot detention sump for the dwelling. Since Mr. Paraska agreed to follow the current ordinance, no action was taken by the Board.

2. 145 Gallagher Road Stormwater Management Exemption Request: Mr. Grossman is building a house at 145 Gallagher Road (Center Township Map 060-2F108-A36) consisting of 68.5 acres (m/l). Since the impervious area (5,500 feet) exceeds 5,000 feet, he is seeking an exemption of Chapter 21, Article III, Section 21-302, Subsection D. Olsen recommended granting a waiver for stormwater management due to the on lot detention sump is adequate to control stormwater. **Flatt motioned, based on Olsen's recommendation, granting a waiver for 145 Gallagher Road of Chapter 21, Article III, Section 21-302, Subsection D. Latuska seconded. Motion carried unanimously.**
3. East Hilltop Drive Repairs: The Board authorized Olsen to review rough pavement near the end of the cul-de-sac at their meeting held November 14, 2012. Wiest made an attempt to repair the area but the Board is not satisfied.
4. Gregori Construction and Engineering Change Order No. 3: Gregori Construction & Engineering Inc submitted Change Order No. 3 for quantity adjustments, addition of guiderail for headwall, and pavement base repair. This increases the bid by \$9,405.25 making the adjusted contract price \$166,435.25. **Flatt motioned, based on Township Engineer Olsen's recommendation, (1) approving Gregori Construction & Engineering Inc Change Order No. 3 and (2) authorize signing the change order. Flatt seconded. Motion carried unanimously.**
5. Gregori Construction and Engineering Invoice No. 3: Gregori Construction and Engineering presented Payment Application No. 3 for payment in the amount of \$62,739.22. Township Engineer Olsen stated the invoice is incorrect. Due to concerns of some of the work completed, the Board recommended \$20,000 be retained until repairs are complete.

SOLICITOR'S REPORT:(corrected January 7, 2013)

Solicitor Gallagher reminded the Board that he had been instructed on several occasions since July to act for the Board in relation to the 5 to 3 Referendum, and that although he was not now recommending any course of action, he wanted to inform the Board that time was running out to take action in this matter, should the Board chose to do so.

Flatt motioned amending the December 12, 2012 agenda to discuss 5 to 3 referendum. Latuska seconded. Erie against. Motion carried 4 to 1.

1. 5 to 3 Referendum: Flatt opened meeting for public comment. Mr. Tom Schiebel stated the Board took an oath to defend the Pennsylvania Constitution. The Board should take legal action to fight the 5 to 3 referendum.

Latuska motioned authorizing Township to (1) file legal action to the constitutionality of the 5 to 3 referendum, (2) authorize all charges and expenses for Township Solicitor Gallagher's research and defense of the 5 to 3 referendum, and (3) authorize Flatt to coordinate between the Board and Township Solicitor Gallagher. Frenchak seconded. Flatt polled the Board:

Latuska: Aye

He thinks the residents were misled when the petition was circulated. The Board should take the necessary action to fight the constitutionality of the referendum. Since Frenchak, Latuska, and Wulff have remaining terms, they should continue serving their terms through attrition.

Erie: Nay

He feels the voters followed the Second Class Township Code to remove the Board members. The Township is using township funds to sue the residents.

Flatt: Aye

He thinks the Pennsylvania Constitution overrides the Second Class Township Code. He discussed the referendum with several individuals. He discussed the Second Class Township Code with Mr. Elam Herr, PSATS, one of the authors of the Code. Frenchak, Latuska, and Wulff should complete their terms.

Frenchak: Aye

Wulff: Nay

Motion carried 3 to 2.

MISCELLANEOUS: None

ADJOURNMENT:

Latuska motioned to adjourn at 8:13 p.m. Frenchak 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