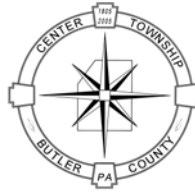


Board of Supervisors:
Ronald Flatt, Chairman
Kenneth Frenchak Jr, Vice Chairman
Andrew Erie, Supervisor
Edward Latuska, Supervisor
Philip Wulff, Supervisor



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

CENTER TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Minutes
March 13, 2013
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 Kenneth Frenchak; Supervisors Andrew Erie, Edward Latuska, and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; Public Works Director Mark Lauer and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD (3 MINUTE LIMIT): None

MINUTES:

1. Agenda Setting Minutes – February 11, 2013: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on February 11, 2013. Frenchak seconded. Motion carried unanimously.*
2. Regular Meeting Minutes – February 13, 2013: *Latuska motioned approving the minutes of the Regular Meeting held on February 13, 2013. Erie seconded. Motion carried unanimously.*

TREASURER’S REPORT

1. February 2013: *Frenchak motioned approving the February 2013 Treasurer’s Report. Latuska seconded. Motion carried unanimously.*
2. Warrant List 13-02-04: *Latuska motioned approving Warrant 13-02-04. Erie seconded. Motion carried unanimously.*
3. Warrant List 13-03-05: *Frenchak motioned approving Warrant List 13-03-05. Latuska seconded. Motion carried unanimously.*

ZONING REPORT: February 2013: Construction costs were \$355,738.00 fees collected were \$3,127.85.

SUBDIVISION & LAND DEVELOPMENTS:

1. Vinroe Minor Subdivision No. 2013-03-03, Expires 05/27/2013: Mr. Nathan Brown proposes creating two (2) lots of 16.72 acres (m/1) and 2.18 acres (m/1) from Center Township Map 060-2F108-6A to construct a single family dwelling. He attended previous Planning Commission meetings and Board of Supervisors meetings to be granted permission to use a Township abandoned road (Brackney Road). On December 20, 2012, Township Gallagher issued an opinion to the Board of Supervisors to take no action. Township Engineer Olsen stated an existing court order (Road Docket Proceedings No. 6, March Term 1931, Road Docket Volume 14 Page 22) requires the right-of-way remain open for the use and benefit of all property owners. Due to width of the right-of-way (twenty feet (20')) for Brackney Road, only five (5) lots are permitted. Butler County Planning Commission, letter dated February 11, 2013, comment is *“a clear and concise statement on the plan identifying who is permitted to use the right-of-way (Old Twp Road Brackney), who is responsible for maintenance of the right-of-way and the permitted uses of the right-of-way.”* The Department of Environmental Protection, letter dated February 20, 2013, considers the Sewage Planning Module Component 1 (N6-13-018) incomplete based on *“It is stated that Brackney Road is to be used for access to Lot 6. Will this lot have access to Jamisonville Road as Brackney Road does not seem to be a current township road? It appears Lot 6 may be a landlocked lot.”*

The Planning Commission, at their February 27, 2013 meeting, recommended (1) granting a modification to Chapter 14, Article IV, Section 14-403, Subsection B, Paragraph 3, Subparagraph e providing contours on the plan and (2) contingent on the Department of Environment Protection's approval of the Sewage Facilities Planning Module Component 1 final approval of the Vinroe Minor Subdivision No. 2013-03-03.

The Department of Environmental Protection, per letter dated March 6, 2013, approved the Sewage Facilities Planning Module Component 1 (N6-13-018).

Erie motioned granting final approval of the Vinroe Minor Subdivision No. 2013-03-03. Frenchak seconded. Motion carried unanimously.

2. Meadow Brook Apartments Land Development No. 2013-03-04, Expires 05/27/2013: Mr. Tony Sadaka and Mr. Stan Zapadka, Widmer Engineering, propose to combine Center Township Maps 060-S17-BA (14.49 acres (m/1)) and S17-BB (1.86 acres (m/1)). T & R Butler Limited Partnership proposes to construct (1) two (2) sixteen (16) unit two (2) bedroom apartment buildings; (2) two (2) six (6) unit townhouses; and (3) three (3) enclosed parking garages. Application has been submitted to the Butler County Conservation District for the National Pollutant Discharge Elimination System permit. Township Engineer Olsen, letter dated February 27, 2013, comments are, as follows (*Mr. Tony Sadaka, Widmer Engineering, comments are italicized*):
 - a. Letters of service should be provided by the Applicant as received from the Butler Area

Sewer Authority and the Pennsylvania American Water Company. *(will submit letter from Pennsylvania American Water Company)*

- b. An Opaque Screen – Type A is required between the proposed multi-family use and existing single family uses per Chapter 20-1306. The Applicant should provide details of this bufferyard I screening, whether existing or proposed. *(will add the required screening)*
- c. A minimum twenty (20) foot wide drainage easement shall be provided for the watercourses that exist on the property. (Stormwater Management Ordinance Chapter 21-301-I.) *(will provide the drainage easement)*
- d. A minimum twenty (20) foot wide access easement should be shown around all proposed stormwater management facilities including the infiltration basin, rain gardens, and infiltration sumps. (Article VIII.802.A.18) It also appears that the access route to the infiltration basin is through the adjacent Brooksedge Estates Plan. This also should be indicated on the plan along with access routes for the other facilities. The easements must be on a plan that is recorded. *(will add the access route easement for the stormwater management facilities)*
- e. The various notes and statements required by the Stormwater Management Ordinance Chapter 21-802-A.22 must be added to the plan set including signature blocks for the design and reviewing engineers. *(will add the required statements and notes)*
- f. Worksheet 2 indicates that 5.30 acres of the site are being protected from development. An easement should be provided around this area appropriately labeled permanently protecting these areas from future development. *(will add easement around the 5.30 acres protected from development)*
- g. The existing detention structure outlet works detail should be revised to indicate that a watertight connection will be made where extending the 15- inch discharge pipe and it should also be demonstrated that the connection will not fail due to buoyancy. *(will add detail for the watertight connection)*
- h. The proposed plan indicates roof drains at a slope of 0.3%. The Applicant should confirm with the building permit officer that these slopes and pipe sizes meet the Uniform Construction Code. *(will verify with Building Code Official/Zoning Officer Round that slopes and pipe sizes meet the Uniform Construction Code)*
- i. The Applicant must enter into a stormwater management maintenance agreement with the Township. (form located in Appendix) *(will enter into a stormwater management agreement with the Township)*
- j. The Applicant should submitted a cost estimate for Township required improvements, which include stormwater management, pavement, landscaping, water lines, sanitary sewers (if proposed to be private), and storm sewers. The Applicant should provide a performance security in the amount of 110% of the cost within 90 days of the date of Final Approval to guarantee completion of the proposed improvements. Requests for partial release may be submitted by the Applicant as work is completed. *(will post necessary performance within ninety (90) days of final approval)*
- k. The Applicant should enter into a Developers Agreement with the Township. *(will enter into a Developers Agreement with the Township)*

The Planning Commission, at their February 27, 2013 meeting, recommended granting a modification to Chapter 21, Article III, Section 21-304, Subsection B, controlling peak flows from the total site but only retain stormwater volume on site for the five (5) areas proposed for development. They recommended, contingent on (1) items a through k, abovementioned; (2) Department of Environmental Protection's approval of Sewage Facilities Planning Module Component 3 (N6-13-021); and (3) Butler County Conservation District's approval of the National Pollutant Discharge Elimination System permit, preliminary approval of the Meadow Brook Land Development No. 2013-03-04.

The Department of Environmental Protection, per letter dated March 1, 2013, approved the Sewage Facilities Planning Module Component 3 (N6-13-021).

Township Engineer Olsen stated deep mining occurred on the site. A study was completed in 1986 when the original development was proposed. The risk of subsidence is very low and T & R Butler Limited Partnership will assume any risk.

Flatt motioned granting a modification to Chapter 21, Article III, Section 21-304, Subsection B, controlling peak flows from the total site but only retain stormwater volume on site for the five (5) areas proposed for development. Erie seconded. Motion carried unanimously.

Erie motioned, contingent on (1) items a through k, abovementioned and (2) Butler County Conservation District's approval of the National Pollutant Discharge Elimination System permit, granting preliminary approval of the Meadow Brook Land Development No. 2013-03-04. Frenchak seconded. Motion carried unanimously.

3. Sperring Minor Subdivision No. 2013-03-05, Expires 05/27/2013: Mr. Shawn Sperring proposes creating two (2) lots of 3.33 acres (m/l) and 25.28 acres (m/l) from Center Township Map 060-3F43-10B. Butler County Planning Commission has not submitted any comments. The Department of Environmental Protection, letter dated February 20, 2013, approved Sewage Facilities Planning Module Component 1 (N6-13-019).

The Planning Commission, at their February 27, 2013 meeting, recommended, contingent on receipt of Butler County Planning Commission's review and approval, final approval to the Sperring Minor Subdivision No. 2013-03-05.

Butler County Planning Commission, February 26, 2013, had no comments.

Frenchak motioned granting final approval of the Sperring Minor Subdivision No. 2013-03-05. Erie seconded. Motion carried unanimously.

OLD BUSINESS:

1. Adopt Accessory Structure/Clubs Ordinance No. 2013-03-03: The Board of Supervisors held a public hearing on March 11, 2013 at 6:00 p.m. to obtain public comment and testimony on the proposed "Accessory Structure/Clubs" ordinance. The "Notice of Intent to Adopt an Ordinance" was advertised in the Butler Eagle edition dated Sunday, March 3, 2013. The Planning Commission recommended approval of Ordinance No. 2013-03-

03 at their meeting held on February 27, 2013. A copy of the ordinance was forwarded to the Butler County Planning Commission for their review, by facsimile and regular mail, on February 7, 2013. ***Erie motioned adopting the Accessory Structure/Clubs Ordinance No. 2013-03-03. Latuska seconded. Flatt abstained because he owns a vacant parcel which he would be permitted to construct an accessory structure with the passage of this ordinance. Motion carried 4 to 1.***

NEW BUSINESS:

1. Adopt Clubs Ordinance No. 2013-03-04: The Board of Supervisors proposed a "Clubs" ordinance which was advertised in the Butler Eagle edition dated Sunday, March 3, 2013. ***Erie motioned adopting the Clubs Ordinance No. 2013-03-04. Latuska seconded. Motion carried unanimously.***
2. Release Consultant Fees: The Township Secretary/Treasurer requests authorization to release the following consultant fees:

Development	Type	Approval	Instrument Number	Amount
Diane Spiece	Minor Subdivision	10/10/2012	201301040000574	\$387.00
E D Elliott	Lot Line Revision	11/19/2012	201211290034360	\$406.50

Flatt motioned, based on Township Secretary/Treasurer Amendolea's recommendation, releasing the abovementioned consultant fees. Erie seconded. Motion carried unanimously.

3. SR 8/Glenwood Way Signal Repair Insurance Release: On February 21, 2013, Township Secretary/Treasurer Amendolea was required to sign a release to receive funds from Gallagher Bassett Services, Inc for the damage to the SR 8/Glenwood Way signal on December 20, 2012. ***Flatt motioned ratifying Township Secretary/Treasurer Amendolea's signature on the insurance release to receive funds for damage to SR 8/Glenwood Way signal which occurred on December 20, 2012. Erie seconded. Motion carried unanimously.***
4. Refinancing Building Loan: Supervisor Erie suggests sending Request for Proposals to the banks for refinancing the Maintenance Facility's loan. Current interest rate is 2.6% which was established on October 1, 2012. ***Erie motioned authorizing Township Secretary/Treasurer Amendolea to send Request for Proposals to the banks for refinancing the Maintenance Facility's loan. Frenchak seconded. Motion carried unanimously.***

PUBLIC WORKS DIRECTOR:

1. Schedule Great American Clean Up Day: Public Works Director Lauer recommends scheduling a date for the Great American Clean Up Day due to the success in the past. The date will be April 20, 2013 from 8:00 a.m. to 12:00 p.m. Lauer requests authorization to have four (4) employees work from 7:30 a.m. to 12:30 p.m. No rain date will be scheduled. ***Erie motioned (1) setting the Great American Clean Up Day for April 20, 2013 from 8:00 a.m. to 12:00 p.m. and (2) authorize overtime pay for four (4)***

employees. Latuska seconded. Motion carried unanimously.

2. SR 8/Glenwood Way Signal Upgrade: Bronder Technical Services provided a quote, \$7,927.42, to upgrade the SR 8/Glenwood Way signal with a battery backup. This is the only signal which does not have the emergency backup. ***Erie motioned authorizing the installation of a battery backup system on the SR 8/Glenwood Way signal in the amount of \$7,927.42 to be paid from the Capital Projects Fund. Frenchak seconded. Motion carried unanimously.***
3. Summer Employees: Public Works Director Lauer requests authorization to hire two (2) summer employees. ***Flatt motioned authorizing Lauer to hire two (2) summer employees at \$8.50 per hour. Latuska seconded. Motion carried unanimously.***
4. Bobcat Excavator: The Bobcat Excavator tracks are in need of repair. Lauer would like to order a set to have in stock when needed to reduce down time. Frenchak suggested ensuring thickness and webbing meets Original Equipment Manufacturer specifications. ***Frenchak motioned authorizing Lauer to purchase one (1) set of rubber tracks for the Bobcat Excavator. Erie seconded. Motion carried unanimously.***

ENGINEER'S REPORT:

1. 164 South Benbrook Road Stormwater Management: After submitting a stormwater management plan to remove twenty (20) inches of soil over 1.3 acres and replacing with 1,350 cubic yards of compost, Paraska resubmitted another stormwater management plan to include an infiltration basin addressing the stormwater runoff. Township Engineer Olsen reviewed the plan with the following comments:
 - a. The volume calculations which were a part of the previous report should be included in this report. It should also be clearly noted in the narrative that the 2-year frequency storm increased volume of runoff will be infiltrated into the soil upgrade of the southern property line.
 - b. The Act 167 Stormwater Management Ordinance requires that the post-development time of concentration shall never be greater than the pre-development time of concentration. (Article VII.702.H.2.a) The post-development time of concentration should be increased to the pre-development rate and revised runoff calculations should be submitted.
 - c. A minimum of twenty (20) foot wide access easement should be shown around the proposed infiltration basin and this must be recorded. (Article VIII.802.A.18)
 - d. The maintenance section of the report should instruct the facility owner on what to do if the bottom of the infiltration basin silts up and starts to pond runoff for time periods greater than 4 days.
 - e. The side slopes of the embankment should be revised to 4:1 slopes or greater if it is to be mowed. Otherwise the 2:1 side slopes are acceptable.
 - f. The Applicant must enter into a maintenance agreement with the Township.
 - g. The Applicant has submitted a cost estimate of \$3,600 for the installation. Performance security in the amount of \$3,960 must be posted by the Applicant to guarantee completion of the proposed improvements. Requests for partial release may be submitted by the Applicant as work is completed.

Upon Olsen's approval of the stormwater management plan, he will present it to Board for their approval.

The meeting adjourned to executive session at 7:37 p.m. to discuss the Solicitor's Report. The meeting reconvened at 7:52 p.m.

SOLICITOR'S REPORT:

1. Rider Church Road (T-569) Well Site: The Renick family has chosen to sell and profit from such natural gas as may be under the land and have engaged Shell Exploration to extract such minerals. Center Township has been engaged in ongoing discussions about this activity, including, at Flatt's instruction, the Solicitor. Flatt chose to regard the recent communication between the Board, Solicitor, and Shell Exploration as a modification request. The future of Act 13 is uncertain. The Board is opposed to Act 13 and is on record as such. The time at issue is short due to the nature of the Renick excavation. *Flatt motioned (1) proposing a moratorium on the enforcement of Chapter 20, Article V.I, Section 20-5.107(C) for the Renick and Stadler properties; (2) refer to the Planning Commission to review Chapter 20, Article V.I, Section 20-5.107(C) and other pertinent sections of our codified ordinances for consideration; (3) nothing in this motion acts to deny our right to require compliance with our land use regulations as ultimately adopted. Latuska seconded. Flatt abstained due to owning property under lease but not in this area. Motion carried 4 to 1.*

MISCELLANEOUS:

1. Sewage Enforcement: Doug Duncan, Sewage Enforcement Officer, requested Unionville Volunteer Fire Company to assist in providing water for a dye test on Friday, March 15, 2013 at 9:00 a.m. Lauer suggested using the recently purchased tanker to eliminate any conflict.
2. Mahood Road Closure: Unionville Volunteer Fire Company requests authorization to close a portion of Mahood Road for training purposes. The closure will take place on Saturday, April 27, 2013 and Sunday, April 28, 2013.
3. Candidates: Frenchak thanked the candidates for attending tonight's meeting. He suggested they attend the Planning Commission meetings and the Agenda Setting meetings.
4. Coordination: Frenchak thanked Amendolea and Lauer for ensuring messages are being forwarded to the Board.

ADJOURNMENT:

The meeting adjourned to executive session at 7:57 p.m. to discuss personnel issues. The meeting reconvened at 8:50 p.m. with no action taken.

Frenchak motioned to adjourn at 8:51 p.m. Wulff seconded. Motion carried unanimously.

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