

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

April 10, 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 6:32 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):**

1. Mr. Joe Lytle, 816 Sunset Drive: Mr. Lytle stated he receives water from Sunset Drive (T-442). In addition, there is no shoulder and vehicles lose control when they go off the road.

**MINUTES:**

1. Public Hearing – Accessory Structures/Clubs Amendment - March 11, 2013: *Latuska motioned approving the minutes of the Public Hearing “Accessory Structures/Clubs Amendment” held on March 11, 2013. Erie seconded. Motion carried unanimously.*
2. Agenda Setting Meeting – March 11, 2013: *Frenchak motioned approving the minutes of the Agenda Setting Meeting held on March 11, 2013. Latuska seconded. Motion carried unanimously.*
3. Regular Meeting Minutes – March 13, 2013: *Latuska motioned approving the minutes of the Regular Meeting held on March 13, 2013. Erie seconded. Motion carried unanimously.*

**TREASURER’S REPORT**

1. March 2013: *Flatt motioned approving the March 2013 Treasurer’s Report. Frenchak*

***seconded. Motion carried unanimously.***

2. Warrant List 13-03-06: ***Frenchak motioned approving Warrant 13-03-06. Erie seconded. Motion carried unanimously.***
3. Warrant List 13-04-07: ***Frenchak motioned approving Warrant List 13-04-07. Latuska seconded. Motion carried unanimously.***

**ZONING REPORT:** March 2013: Construction costs were \$355,500.00 fees collected were \$1,281.26.

### **SUBDIVISION & LAND DEVELOPMENTS:**

1. Meadowbrook 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/l)) and S17-BB (1.86 acres (m/l)). The Board of Supervisors granted preliminary approval at their meeting held on March 13, 2013. Application was reviewed by the Butler County Conservation District for the National Pollutant Discharge Elimination System permit with the following comments (*Mr. Tony Sadaka, Widmer Engineering, comments are italicized*):
  - a. Compost filter sock should be placed at level grade. The grade behind the building on sheet ES4 would deviate significantly from grade, as well as areas on sheet ES-5, area 3. Revise as necessary, including revisions to the LOD. (*The compost filter sock alignments for Project Site No. 2 (Sheet ES-4 of 7) and Project Site No. 3 (Sheet ES-5 of 7) have been revised to be parallel to contour and have been offset moving upslope. The LOD's have been revised accordingly on the NPDES Boundary Limits of Construction Plan (Sheet ES-1 of 7).*)
  - b. Explain how the proposed controls for sites 4 and 5 would provide adequate protection. (*Proposed earth disturbance activities for both Project Site No.4 and No.5 are minor and are based upon excavation for the building foundations and grading on the sides and rear of the structures. Rock construction entrances will be constructed. Topsoil will be stripped, stored and protected by 12" compost filter sock A pumped water filter bag will be installed to remove any accumulated runoff from the foundation excavation. A concrete washout area will be constructed adjacent to the rock construction entrance for cleaning of the concrete delivery trucks. The Project Site No. 4 slope grading will be stabilized with seeding and mulch while the Project Site No. 5 grading will be stabilized with erosion control mulch blanket.*)
  - c. The proposed work in the stormwater pond should be included in the permit boundary and the LOD. Revise as necessary. If any changes are made to the LOD on the plan drawings, the NOI page 1 should be updated. If the LOD remains less than 4.5 acres, no additional PA Clean Water Fund Fees would be required. (*A LOD boundary has been placed around the stormwater pond proposed work area. The total project LOD has been revised from 2.68 acres to 3.47 acres and has been noted on page no. 1 of the Notice Of intent and the NPDES Boundary Limits of Construction Plan (Sheet ES-1 of 7).*)
  - d. The proposed work to the stormwater pond should be included in the construction sequence. Revise as necessary. (*The Project Construction Sequence (Sheet ES-2 of 7) has been revised accordingly.*)

The following items from Township Engineer Olsen's letter dated February 27, 2013 have not been completed. (*Mr. Tony Sadaka, Widmer Engineering, comments are italicized*):

- a. 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*)
- b. 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 90days 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*)
- c. The Applicant should enter into a Developers Agreement with the Township. (*will enter into a Developers Agreement with the Township*)

Township Engineer Olsen recommended a copy of the deep mining assessment be provided to the Township office.

The Planning Commission, at their March 27, 2013 meeting, recommended, contingent on (1) Butler County Conservation District's approval of the National Pollutant Discharge Elimination System permit; (2) provide construction cost calculations for required performance security; (3) provide deep mine assessment to the Township; and (4) entering into a Developer's Agreement with the Township, final approval of the Meadowbrook Land Development No. 2013-03-04.

Butler County Conservation District, letter dated April 9, 2013, approved NPDES Permit PAG02 0010 13 002. Township Engineer Olsen, e-mail dated April 5, 2013, stated the developer's construction does not require the posting of performance and/or maintenance bonds.

***Erie motioned authorizing Chairman Flatt to sign the "Operation and Maintenance Agreement Stormwater Management Best Management Practices". Latuska seconded. Motion carried unanimously.***

***Erie motioned granting final approval of the Meadowbrook Land Development No. 2013-03-04. Frenchak seconded. Motion carried unanimously.***

#### **OLD BUSINESS:**

1. Home Occupation #69 Renewal: Building Code Official/Zoning Officer Round had the Butler County Sheriff serve, as approved by the Board at their February 13, 2013 meeting, the individuals responsible for Home Occupation #69. Upon being served, they contacted Round stating business was terminated, notification was not received at the Township office, and they request a reduction of fees. The individual did not appear before the Board. ***Latuska motioned authorizing a check in the amount of \$110.00***

*payable to District Court 50-3-02 for Civil Action. Flatt seconded. Motion carried unanimously.*

#### **NEW BUSINESS:**

1. Home Occupation #93: Building Code Official/Zoning Officer Round requests authorization to file a civil action with the District Justice for nonpayment of Home Occupation Permit #93. A check in the amount of \$91.50 is needed to file the civil action. *Latuska motioned (1) authorizing Building Code Official/Zoning Officer to proceed filing a civil action for nonpayment of Home Occupation #93 with the District Justice; and (2) authorizing a check in the amount of \$91.50 payable to District Court 50-3-02. Flatt seconded. Motion carried unanimously.*
2. Accessibility Code Changes for PA, March 8, 2013, \$50 Reimbursement: Building Code Official/Zoning Officer Round attended the "Accessibility Code Changes for PA" on March 8, 2013 and requests reimbursement of the \$50.00 fee. *Erie motioned authorizing the reimbursement of \$50.00 to Building Code Official/Zoning Officer for attendance at the "Accessibility Code Changes for PA" on March 8, 2013. Frenchak seconded. Motion carried unanimously.*
3. Pennsylvania Construction Codes Academy 4<sup>th</sup> Annual Symposium, \$50: Building Code Official/Zoning Officer Round attended the "Pennsylvania Construction Codes Academy 4<sup>th</sup> Annual Symposium" on March 20, 2013 and requests reimbursement of the \$50.00 fee. *Erie motioned authorizing the reimbursement of \$50.00 to Building Code Official/Zoning Officer for attendance at the "Pennsylvania Construction Codes Academy 4<sup>th</sup> Annual Symposium" on March 8, 2013. Frenchak seconded. Motion carried unanimously.*
4. Butler Annual Spring Convention, Butler Country Club, May 16, 2013, \$25: Butler County Association of Township Officials scheduled the Annual Spring Convention for May 16, 2013 with a fee of \$25.00 per attendee. There was no interest in attending.
5. Municipal Knox Boxes: The Municipal Building, 419 Sunset Drive, and the Maintenance Facility, 150 Henricks Road, do not have a Knox box as required by Center Township Codified Ordinances Chapter 7, Article VI, Section 7-602A through C. Building Code Official/Zoning Officer Round recommends key boxes be installed. The cost per box is \$305.00. *Flatt motioned authorizing the purchase of two (2) Knox boxes to be installed on the Municipal Building, 419 Sunset Drive, and the Maintenance Facility, 150 Henricks Road, at a cost of approximately \$700.00 per box. Erie seconded.* After a brief discussion, Flatt and Erie rescinded the motion.

*Flatt motioned tabling this item for lack of information. Frenchak seconded. Motion carried unanimously.*

6. Refinancing Maintenance Facility Loan: The Township requested rates to refinance the Maintenance Facility loan in the amount of \$1,680,000.00 for fifteen (15) years. The following proposals were received:

BANK	PERCENT	RENEW	FEE	PREPAYMENT PENALTY
Dollar Bank	2.60%	5 Year	\$5,000	No
First Commonwealth Bank	3.04%	5 Year	Yes <sup>1</sup>	Yes
First National Bank	2.96%	10 Year	No	No
	2.49%	5 Year	No	No
NexTier Bank	1.49%	5 Year	No	No
	2.54%	10 Year	No	No
	2.94%	None	No	No
Farmers National Bank	2.10%	3 Year	Yes <sup>2</sup>	No
	2.40%	5 Year	Yes <sup>2</sup>	No

<sup>1</sup>Must maintain a minimum balance of \$372,000

<sup>2</sup>\$1,600 plus maintain a minimum balance of \$250,000 or \$8,400

- The Township will realize a savings of approximately \$19,109.71 over a five (5) year period with NexTier Bank's proposal of 1.49% for five (5) years because the principal payment increased \$60,000 for the same period. ***Erie motioned, based on Township Secretary/Treasurer Amendolea's recommendation, refinancing the Maintenance Facility loan at 1.49% for five (5) years with NexTier Bank. Frenchak seconded. Motion carried unanimously.***
7. Release William Morgan's Sewage Maintenance Escrow: Mr. William Morgan and Center Township entered into a sewage maintenance agreement dated March 26, 2011. Section 9 of the agreement requires all but ten percent (10%) of the original construction cost must be refunded after a two (2) year period. Township Secretary/Treasurer Amendolea recommends refunding \$4,506.24 with the remaining balance of \$500.00 be held by the Township for the life of the system. ***Erie motioned, based on Township Secretary/Treasurer Amendolea's recommendation, releasing \$4,506.24 to Mr. William Morgan and the remaining balance of \$500.00 be held by Center Township for the life of the system. Flatt seconded. Motion carried unanimously.***
8. Mr. George White Request to Reduce Logging Permit Fee: Mr. White requested the Board reconsider reducing the logging permit fee of \$500.00. After some discussion, a grading scale was agreed on. ***Flatt motioned resetting the 2013 fee schedule to revise the "Logging Permit" as (1) less than 5 acres (lot size) the fee is \$100.00 and (2) 5 acres or more (lot size) the fee is \$500.00. Latuska seconded. Motion carried unanimously.***

#### **PUBLIC WORKS DIRECTOR:**

1. Release Bauer Excavating Road Opening Bond, Ietto Drive (T-920): Bauer Excavating requests release of their road opening bond for installation of sewer lateral on Ietto Drive (T-920) in the amount of \$1,820.00. ***Erie motioned, based on Public Works Director***

***Lauer's recommendation, releasing Bauer Excavating Road Opening Bond for Ietto Drive (T-920) in the amount of \$1,820.00. Latuska seconded. Motion carried unanimously.***

2. Authorize Ad for 2013 Paving Project: Lauer proposes to mill Iroquois Drive (T-714), Mohawk Drive (T-725) and Shawnee Drive (T-881) then add approximately 719 tons of Superpave Binder Course (19.0mm) and 600 tons Superpave Wearing Course (9.5mm). He proposes to repair base on Sunset Drive from south of Mahood Road (T-460) to north of Henley Drive (T-998) then seal the repair seams. In addition, he would eliminate the double seal coat for Hermitage Road and Sunset Drive to single coat Byers Road (T-500), Henricks Road (T-830), Hermitage Road (T-406) and Jamisonville Road (T-832). This may release the funds to correct Mr. Lytle's concerns. ***Flatt motioned authorizing advertisement of the 2013 Paving Project, as modified, to be published in the Butler Eagle editions of Sunday, April 21, 2013 and Thursday, April 25, 2013. Frenchak seconded. Motion carried unanimously.***

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

1. 164 South Benbrook Road Stormwater Management: After submitting a stormwater management plan to 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 approved the contingent on:
  - a. The Applicant must enter into a maintenance agreement with the Township.
  - b. A financial guarantee in the amount \$3,960 or 110% of the approved construction cost should be provided to the Township by the Applicant (ordinance paragraph 21-1001).
  - c. The applicant should notify our office for inspection of the work as it is being completed (Ord. 21-1101 A, with reimbursement of inspection fees as described in paragraph 21-1402).
  - d. At the completion of the project and as a prerequisite for the release of the Financial Guarantee the Applicant shall:
    - 1) Provide a certification of completion from an engineer, architect, or surveyor verifying that all work has been completed according to the Stormwater Management Plan and report. (Ord. 21-1001 B)
    - 2) Provide a set of record drawings that will define a stormwater easement around the embankment and high level ponding area. The easement drawing will be recorded in the County Courthouse.
    - 3) Request a final inspection from the Municipality

Ms. Marcia Fischer deposited \$3,960.00 with the Township for the performance bond. The Fischer's must sign the "Operation and Maintenance Agreement". ***Flatt motioned, contingent on signing of the "Operation and Maintenance Agreement Stormwater Best Management Practices", approving the stormwater management plan. Frenchak seconded. Motion carried unanimously.***

2. McDonald's Restaurant, 102 Clearview Circle, Stormwater: Ms. Ellen Kucarik, MDM

LLC, contacted Township Engineer Olsen requesting a waiver Chapter 21 of the Codified Ordinances. Olsen stated the Board would grant a waiver.

3. Baxter Mobile Home Park NPDES Permit Review: The Board granted final approval contingent on receiving a NPDES permit. Township Engineer Olsen had the following comments:
  - a. Ditches are shown along the proposed roadways, which do not agree with the shown inlet watershed areas. The ditches should be removed or the watershed areas modified appropriately along with the installation of culverts.
    - 1) Location at beginning of Southeast Cul-de-sac) A roadway ditch indicated by grading appears to convey the entire south end of "Phase 2" south of the cul-de-sac into the post South East Watershed. Perhaps the ditch should be continued around the cul-de-sac to inlet ST-14 or a pair of inlets and associated pipes should be proposed to inlet ST-14,
    - 2) (Location at 2nd right hand bend when heading toward Southeast Cul-de-sac from Amy Lane intersection) The north side roadway ditch appears to convey runoff to inlet ST-14 but the watershed boundary indicates that this area is directed to ST-7. The grading at this location should be revised.
    - 3) (Location at 2nd right hand bend when heading toward Southeast Cul-de-sac from Amy Lane intersection) The south side roadway ditch appears to convey runoff to inlet ST-14 but the watershed boundary does not indicate that this area goes to any inlets.
  - b. A minimum twenty (20) foot access easement should be indicated around the detention facility with connection to public road access. (Chapter 21 Article VIII, 21-802.A.18) Regulations require that the Township maintain the system if the Applicant does not. The Applicant should submit the referenced plat of easement. The ordinance allows a "blanket easement" statement to be added to the drawing (to be recorded) in lieu of showing the connection to the public road.
  - c. The plan needs to be signed by the land owner.
  - d. An executed Operations and Maintenance Agreement for Stormwater Management must be submitted to the Township. (Chapter 21 Article VIII, 21-802.C.1)
  - e. The storm sewer system profile should be revised to show the connection of proposed inlet #3.
  - f. The proposed infiltration berms should be shown on the inlet drainage shed mapping plan, as they will most likely impact the inlet watersheds and possibly the overall watersheds as well.
  - g. The plat of easements plan should also indicated easements around the proposed infiltration berms.

Township Engineer Olsen reported the project is currently on hold for an unknown reason.

### **SOLICITOR'S REPORT:**

1. 5 to 3 Referendum: The Supreme Court struck Schenck's King Bench appeal.

2. Old Township Garage Property: As long as the Township uses the old maintenance building, the property will not revert to Unionville Volunteer Fire Company.

***Flatt motioned adopting the following Resolution No. 2013-04-10:***

*Whereas, to promote the public health, safety, and welfare the Center Township Board of Supervisors has constructed a Public Works Building designed to serve the changing needs of Center Township for fifty plus years, and*

*Whereas, the Board of Supervisors thinks that the potential consolidation of facilities may be in the best economic interest of the Township, and*

*Whereas, the Board of Supervisors desires to continue to use the Unionville Public Works Building to enhance the public health, safety, and welfare, and*

*Whereas, the Board of Supervisors desires to maintain the closest possible working relationship with the Unionville Volunteer Fire Department, including the use of the Unionville Public Works Building for storage when appropriate, and*

*Whereas, a certain level of confusion and misinformation exists between the Municipality, the Fire Department, and the residents of Center Township in general concerning our facilities, financial status, and future plans,*

***Be it therefore resolved that:***

1. *The Board of Supervisors shall begin to actively plan to consolidate Center Township governance at the Henricks Road Public Works Building, provided that such consolidation may be done while preserving the safety of the public and our employees.*
2. *To ensure the continued harmonious relationship between Center Township and the Unionville Volunteer Fire Department, the Chairman of the Board of Supervisors shall meet annually with the President of the Fire Department for the sharing of information on the use of the Unionville Public Works Building. The Chairman shall report to the Board of Supervisors at the next public meeting on the results of that meeting and the information shared.*
3. *To provide the residents of the Township with basic information about their local government, a newsletter shall be prepared immediately, and annually as soon as is practical after the receipt of the annual audited financial statements including, but not limited to, use of facilities, financial information, the proposed paving program, and changes to the Codified Ordinances.*

During a discussion period, Flatt stated he was not in favor of moving offices to the maintenance facility because building was not designed with that in mind. However, he would listen to any proposals. He suggested that Erie and Wulff study the feasibility of moving the offices.

***Latuska seconded. Erie against. Motion carried 4 to 1.***

**MISCELLANEOUS:** None



**ADJOURNMENT:**

The meeting adjourned to executive session at 8:16 p.m. to discuss personnel issues. The meeting reconvened at 8:52 p.m. with no action taken.

***Frenchak motioned to adjourn at 8:52 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