

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  
September 11, 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 6:30 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 Kenneth Frenchak; Supervisors Andrew Erie, Edward Latuska (via telephone) and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; Public Works Director Lauer; and Township Secretary/Treasurer Anthony Amendolea.

**PUBLIC TO BE HEARD (3 MINUTE LIMIT):** None

The meeting adjourned for executive session at 6:31 p.m. to discuss the Collective Bargaining Agreement. The meeting reconvened at 6:39 p.m.

**MINUTES:**

1. Agenda Setting Meeting – August 12, 2013: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on August 12, 2013. Frenchak seconded. Motion carried unanimously.*
2. Regular Meeting Minutes – August 14, 2013: *Latuska motioned correcting Public Works Director, Item 3, Boom Mower Attachment which reads “are not needed” to read “are needed” the minutes of the Regular Meeting held on August 14, 2013. Frenchak seconded. Motion carried unanimously.*

**TREASURER’S REPORT**

1. August 2013: *Flatt motioned approving the August 2013 Treasurer’s Report. Erie seconded. Motion carried unanimously.*
2. Warrant List 13-08-16: *Erie motioned approving Warrant 13-08-16. Wulff seconded. Motion carried unanimously.*

3. Warrant List 13-09-17: *Erie motioned approving Warrant List 13-09-17. Wulff seconded. Motion carried unanimously.*
4. Authorize Ad for Budget Workshops: *Flatt motioned authorizing placement of an ad to advertise the budget workshops for Monday, October 7, 2013 and Tuesday, November 12, 2013 at 6:00 p.m. in the Butler Eagle edition for Sunday, September 29, 2013. Frenchak seconded. Motion carried unanimously.*
5. Authorize Ad to Appoint CPA for 2013 Audit: *Erie motioned authorizing placing an ad to appoint a CPA for the 2013 Audit in the Butler Eagle editions for Sunday, September 29, 2013 and Monday, October 7, 2013. Flatt seconded. Motion carried unanimously.*

**ZONING REPORT:** August 2013: Construction costs were \$254,500.00 fees collected were \$2,043.00.

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

1. McDeavitt Major Subdivision No 2013-08-10, 6 Lots, N Benbrook Rd, Preliminary, Expires 11/25/2013: Mr. Ronald McDeavitt presented a plan to create six (6) lots from Center Township Maps 060-2F106-14/15, 060-2F106-14/18, 060-2F106-14/20, and 060-2F106-14/21 consisting of 10.52 acres (m/l). Butler County Planning Commission, per letter dated August 23, 2013, had no comments. Butler Area Sewer Authority's comments are, per letter dated June 28, 2013:
  - a. Existing manhole located in front of Lot 3 (MH 7569) is labeled incorrectly as MH 3569. Correct this on the plan;
  - b. As previously discussed, an Agreement dated April 9, 2008 between Ruth Kniess Sutton and Helen B. McDeavitt created a 50' easement extending along the north property line, northward to Sunset Drive. This easement was created only for those portions of the properties where the former Sutton (now Stewart and Shakely) and McDeavitt properties abutted, and the plan shows this easement running through Lot 6 and the abutting properties. As such, the 30' utility right of way proposed through Lot 1 should be extended to the southern limit of the April 9, 2008 Agreement, to provide gravity sanitary sewer service to the D. Stewart property to the sanitary main located in Benbrook Road;
  - c. The Developer (McDeavitt), not the future owners of the lots within the plan, will be required to install the sanitary sewer lateral to each proposed lot in the subdivision. The Authority will not issue a Sanitary Sewer Connection Permit for any lot unless and until the sewer lateral has been installed by the Developer for that specific lot as follows:
    - 1) Lot 1 and Lot 2: Tap the mainline with an 8" x 6" wye fitting, install 10 lf of 6" SDR 35 PVC, an Inspection Tee in accord with BASA Drawing No 14, and cap the end of the line;
    - 2) Lot 3: Core Drill MH 7569, install a water-tight flexible manhole coupling, install 10 lf of 6" SDR 35 PVC pipe, and cap the end of the line;
    - 3) Lot 5: Tap the mainline with an 8" x 6" wye fitting, and install 6" SDR 35 PVC pipe as required to get the building sewer to the Lot 5 property line. Inspection tees in accord with BASA Dwg. No. 14 must be installed within 10 feet of the mainline and at the property line between Lot 4 and Lot 5. Cleanouts in accord with BASA Dwg. No. 13 must be installed on the building sewer with spacing requirements in accord with BASA regulations and UCC Plumbing Code requirements;
    - 4) Lot 6: Tap the mainline with an 8" x 6" wye fitting, and install 6" SDR 35 PVC pipe as required to get the building sewer to the Lot 6 property line. Inspection tees in accord with

BASA Dwg. No. 14 must be installed within 10 feet of the mainline and at the property line between Lot 1 and Lot 6. Cleanouts in accord with BASA Dwg. No. 13 must be installed on the building sewer with spacing requirements in accord with BASA regulations and UCC Plumbing Code requirements.

Add these requirements to the drawings, showing the approximate locations of the Inspection Tees and Cleanouts as appropriate;

- d. Add BASA Dwg. Nos. 13 and 14 to the plan; and
- e. All newly installed sewer lines must be pressure tested by the installer in the presence of an Authority representative. Add a note to the plan.

Township Engineer Olsen's comments are (*Mr. Ron Boles' comments are italicized*):

- a. The purpose of the plan is to divide an existing 10.52 acre parcel into six (6) lots (5 new building lots). By definition, this is a major subdivision, which requires preliminary and final approval.
- b. Sewage Facilities Planning Modules or a request for an exemption must be submitted by the Applicant. (*Sewage Facilities Planning Module is submitted for approval*)
- c. The Applicant must show existing driveways, buildings, storm sewers, culverts, fire hydrants, and significant man-made features within 200 feet of the tract boundaries (Section 14-403.3). If sanitary sewer service has been installed to the house on Lot 4, that pipe should be shown. (*Revisions were made*)
- d. The property is in an R-1 zone; lot areas must be a minimum of 0.5 acre exclusive of adjoining road rights-of-way. Minimum frontage on a public road is 100.00 feet. After carefully studying the submitted data, the new lots meet these requirements. However, the labeling of the lots can be improved.
  - 1) We suggest that the Applicant better label the edge of road right-of-way. (*Revision was made*)
  - 2) An existing sanitary sewer line appears to be located under the edge of the road right-of-way; using the same symbol for "property corner," "manhole," and "proposed inspection tee" makes the plan confusing. The surveyor should use different symbols to make the drawing clearer. (*Revisions were made*)
- e. A submitted copy of a letter from the Pa. American Water Company states that a public waterline will be extended to serve these lots. The Applicant should show the location and size of existing and proposed waterlines. If a fire hydrant is being proposed, its location should be shown and it must be approved by the Township, which pays yearly hydrant fees to the Water Company. The construction of waterlines will not have to be bonded by the Applicant, since proposed lot sizes are not dependent on the lots being served by public water (Section 14-403.3.L)
- f. The submitted copy of a letter by the Butler Area Sewer Authority states that the Applicant is responsible for making service line connections to the main sewer line and extending service lines to the new lots. If the Applicant does not want to provide performance security for the completion of these work items, then the Applicant could request and receive preliminary subdivision approval from the Township and install these improvements prior to requesting and receiving Final Plan Approval from the township. Otherwise, performance security for this work should be posted by the Applicant to the Sewer Authority. (*Awaiting proposed construction costs*)
- g. The Township has generally supported the goal of having public utilities extended to areas of the Township where these public utilities are needed by the residents. The Township has been promoting public water and public sewer service in this specific area of the Township for many years. The easement agreement between Sutton/Kniess and McDeavitt declared that these parties wished "to declare a fifty (50) feet-wide perpetual easement and right-of-way through their respective properties for pedestrian and vehicular traffic, drainage, and utilities running to and from Sunset Drive." We construe the utility reference of this statement to support the 30' portion of the easement through lot 1 and lot 6 being labeled as a "public utility easement" and the 50' portion of this right-of-way also being labeled a "public utility easement." At the discretion of the Applicant, it can also be noted as a drainage and access easement for the benefit of now or formerly A. Shakely, D. Stewart, and the future owners of lots 1 and 6 in any deed conveyances. We suggest that any extensions of sewer and water (and any other utilities)

in this right-of-way be designed as public utility extensions. If there is any chance that Stewart, Shakely, or others along Sunset Drive need public water or sewer, then the construction of BASA and Pa. American Water facilities in the previously- mentioned right-of-way should be designed and constructed as public utility extensions. *(Revisions were made)*

- h. The Applicant should contact the Butler County Conservation District regarding the preparation of an Erosion and Sediment Control Plan and whether an NPDES Permit will be required for this Subdivision (Section 14-404.C.4). *(Application was submitted)*
- i. The Applicant should provide a letter from the Butler Area Sewer Authority approving sewer design. *(Sewage Facilities Planning Module must be submitted to the Department of Environmental Protection)*
- j. The Applicant should submit the plan to the Butler County Planning Commission for review. *(Butler County Planning Commission had no comments per letter dated August 23, 2013)*

The Planning Commission at their Meeting held on August 28, 2013 recommended preliminary approval, contingent on (1) receipt of the NPDES permit from Butler County Conservation District, if needed, and (2) Department of Environmental Protection's approval of Sewage Facilities Planning Module N6-13-002.

Since Lot 4 is under contract to be sold and time to receive a NPDES permit and Department of Environmental Protection approval of the Sewage Facilities Planning Module N6-13-002, Olsen recommends granting a preliminary approval of the plan. He recommends that Mr. McDeavitt present a plan subdividing Lot 4 from the rest of the property to expedite the sale of the Lot 4.

***Erie motioned, based on Township Engineer Olsen's recommendation, granting preliminary approval to the McDeavitt Major Subdivision No. 2013-08-10. Frenchak seconded. Motion carried unanimously.***

#### **OLD BUSINESS:**

1. West Brewster Road Complaint: A complaint was received about the site distance being blocked at West Brewster Road (T-450) and South Benbrook Road (SR 3007). The property trimmed the bush which blocked the site distance. Consensus of the Board was they were satisfied with action taken but asked Public Works Director Lauer to continue monitoring the situation.
2. Meadow Brook Apartments Stormwater: Mr. Butch Williams and Mr. John Rowan desires to change their stormwater management plan by not installing the approved "rain gardens". Mr. Williams proposes to install seepage pits and replace pipes with swales that consist of one percent (1%) slope. Butler County Conservation District agrees with the proposed change. Township Engineer Olsen stated the change still meets the requirements of Center Township Codified Ordinances Chapter 21, Stormwater Management. The Planning Commission at their meeting held on August 28, 2013 recommended accepting the alterations to the Meadow Brook Apartments Stormwater plan.

***Flatt motioned, based on Township Engineer Olsen's recommendation, approving the Meadow Brook Apartments change to the stormwater plan. Erie seconded. Frenchak opposed. Motion carried 4 to 1.***

3. Palmer Road/Morgan Lane Complaint: Ms. Elizabeth Christy attended the Agenda Setting Meeting held on Monday, September 9, 2013 requesting a letter from the Township authorizing her to close off the access to Morgan Lane on her property. Township Solicitor Gallagher stated that Ms. Christy would need to (1) do a title search to ensure no right-of-way is on the affected properties and (2) retain counsel to file a complaint with the court. Public Works Director Lauer received a request from Mr. Mike Morgan to place a "Morgan Lane" sign on Palmer Road. Township Solicitor Gallagher stated not to place a street sign there until the land issue is resolved.

**NEW BUSINESS:**

1. McDeavitt Sewage Facilities Planning Module Resolution No. 2013-09-14: ***Frenchak motioned adopting the McDeavitt Sewage Facilities Planning Module Resolution No. 2013-09-14. Flatt seconded. Motion carried unanimously.***
2. 2014 Pension Plan Municipal Minimum Obligation: ***Erie motioned (1) approving the 2014 Pension Plan Minimum Municipal Obligation in the amount \$41,056.80 and (2) authorizing Township Secretary/Treasurer Amendolea to sign as the Chief Administrative Officer. Flatt seconded. Motion carried unanimously.***
3. Butler Transit Authority Addendum (Clearview Mall Bus Service): The Butler Transit Authority adopted an addendum to the agreement with Clearview Mall and Center Township. The annual payment is \$3,000.00 effective July 1, 2013. ***Erie motioned authorizing Chairman Flatt to sign the Butler Transit Authority addendum which changes the annual payment to \$3,000.00. Frenchak seconded. Motion carried unanimously.***
4. Time Clocks: The Board desires to install a biometric (fingerprint) time clock at the Maintenance Facility for the six (6) road department employees. ***Flatt motioned authorizing the purchase of a biometric (fingerprint) time clock to be installed at the Maintenance Facility for the six (6) road department employees. Erie seconded. Motion carried unanimously.***
5. Personnel Policy Manual: The Board reviewed the personnel policy manual which has not been updated since 2004. The revised manual reflects the Collective Bargaining Agreement effective January 1, 2011, use of Township vehicles for personal use, and time clock use.
6. Zoning Hearing Board Appointment Resolution No. 2013-09-15: Two (2) residents, Carol M. Coddington and Robert G. Ogden, applied for the Zoning Hearing Board vacancy to serve until December 31, 2014.

***Frenchak motioned to appoint Kasey McCollough as a regular Zoning Hearing Board member. Flatt seconded. Motion carried unanimously.***

***Latuska motioned to appoint Ms. Carol M. Coddington as an alternate to the Zoning Hearing Board for a term from September 11, 2013 through December 31, 2014.***

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

7. Fire Hydrant Request: The Board received a request from Dr. and Mrs. Cypher to have a fire hydrant installed on their property. ***Erie motioned permitting Dr. and Mrs. Cypher to install a fire hydrant on their property as long as the installation and maintenance is paid solely by Dr. and Mrs. Cypher. Frenchak seconded. Motion carried unanimously.***

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

1. Award Bid for Sale of Tank/Pump: The Board no bids were received. ***Flatt motioned authorizing the re-advertising of the sale of the Tank/Pump and include the sale of the 1970 Grader in one advertisement. Erie seconded. Motion carried unanimously.***
2. 2013 Paving Project Completion: The 2013 Paving Program was completed August 13, 2013. ***Erie motioned authorizing Chairman Flatt to sign the Notice of Completion. Frenchak seconded. Motion carried unanimously.***
3. Brown Road Seal Coat: Lauer will place asphalt patches on Brown Road (T-412).
4. Winchester's Excavator/Shale Reimbursement: Employee Jeff Winchester present an invoice for the use of his excavator \$680.00 (8.5 hours x \$80.00) and shale \$805.00 (322 tons x \$2.50) he provided for the Brown Road (T-412) project. He requests \$600.00 (60 x \$10.00) in millings as partial reimbursement. The remaining balance is \$885.00. ***Flatt motioned authorizing payment in the amount of \$1,485.00 to Jeff Winchester for use of his excavator and the shale he provided for the Brown Road (T-412) project. Erie seconded. Motion carried unanimously.***
5. Fall Leaf Collection: The Township will begin curbside collection of leaves from October 21, 2013 through November 15, 2013. Only leaves in biodegradable bags will be collected. Leaves may be dropped off at the Maintenance Facility located at 150 Henricks Road. ***Flatt motioned authorizing advertisement for the fall leave collection in the Butler Eagle. Erie seconded. Motion carried unanimously.***
6. Chainsaw Safety – 10/23/2013 – Penn Township - \$50: Lauer requests authorization to send Brewster and Winchester to the Chainsaw Safety Course on Monday, October 23, 2013 in Penn Township at \$50.00 per attendee. Flatt will attend but will reimburse the \$50.00 fee to the Township. ***Flatt motioned authorizing Brewster and Winchester to attend the Chainsaw Safety Course on Monday, October 23, 2013 in Penn Township at the total cost of \$100.00. Erie seconded. Motion carried unanimously.***
7. 2013 Line Painting: Lauer contracted with Williams and Willman to apply approximately 90,900 linear feet of lines on Mercer Road, North Duffy Road, a portion of Sunset Drive, Henricks Road, and Glenwood Way. After some discussion of additional line painting, ***Erie motioned authorizing advertising for 300,000 to 400,000 linear feet of line painting to be completed no later than October 31, 2013 in the Butler Eagle. Frenchak seconded. Motion carried unanimously.***

8. 2013 Massey Ferguson Boom Mower: The 2013 Massey Ferguson Tractor and Boom Mower are in service. All employees have been trained on the equipment.

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

1. Township Property (419 Sunset Drive): Olsen reported that Mr. Lee McDonald is interested in meeting with the Board to discuss the relinquishing of the twenty foot (20') right-of-way and donating property in front of the garage. Flatt will contact Mr. Lee McDonald.
2. Blossom Ridge Letter of Credit: The Blossom Ridge Phase IV Letter of Credit will expire October 17, 2012. Olsen will contact Mr. Dennis Beblo to renew the Letter of Credit for Blossom Ridge Phase VI.
3. Baxter Mobile Home Park NPDES Permit: The Butler County Conservation District notified the Township that the Baxter Mobile Home Park application for a NPDES permit expired effective August 13, 2013, which in effect is a withdrawal of the application. *Frenchak motioned, based Olsen and Township Solicitor Gallagher's recommendation, authorizing Township Secretary/Treasurer Amendolea, with Gallagher's assistance, notify Mr. Jay Baxter to withdraw the land development submitted for Baxter Mobile Home Park. Erie seconded. Motion carried unanimously.*
4. Community Coordination and Outreach Meeting: Olsen and Flatt attended the Federal Emergency Management Agency (FEMA) meeting on September 5, 2013. Floodplain maps are being revised. Municipalities have thirty (30) days to review the proposed changes. FEMA will publish three (3) draft ordinances. Olsen stated letters were sent to residents residing in the floodplain areas three (3) years ago. Subsidiaries are being phased out at 25% per year.

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

1. Isacco's Subdivision Approval: Gallagher received a call from Mr. Josh Isacco concerning the private road agreement for the four (4) lot subdivision tentatively approved by the Board at their August 14, 2013 meeting. No representative was present at the meeting.
2. Schenck's Office of Open Records Appeal: Gallagher received a request for the Office of Open Records to provide unredacted invoices for *in camera* inspection no later than September 27, 2013.

#### **MISCELLANEOUS:**

1. Collective Bargaining Agreement: Due to a clerical error, the current Collective Bargaining Agreement did not have a wage or an increase for the final year. The Union rejected the Board's proposal. The Union counter-offered with a three (3) year contract for 2014, 2015, and 2016 with a wage increase of 3% (2014), 1% (2015), and 1% (2016) with no other changes in the agreement. *Flatt motioned, contingent on the ratification*

*by the union, accepting the proposal. Frenchak seconded. Motion carried unanimously.*

2. Mr. Smallwood: Frenchak appreciated Mr. Smallwood's attendance. He invited him to attend the budget workshops and agenda setting meetings.
3. McDonald's Restaurant: Frenchak asked Olsen if he heard anything about the McDonald's Restaurant project. The Township has not received the agreement between PNC Bank and McDonald's Restaurant.
4. Sheetz: Olsen reported he signed off on the Traffic Impact Study which has been submitted to PennDot.
5. Veterans Administration Hospital Expansion: Erie and Amendolea met with Mr. Hefferin on Thursday, September 10, 2013 to discuss the status of the expansion. Mr. Hefferin stated the four (4) sites are being reviewed. Contract will be awarded by December 31, 2013.

**ADJOURNMENT:**

*Erie motioned to adjourn at 8:31 p.m. Wulff 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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Kenneth J. Frenchak, Jr  
Vice Chairman

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Andrew Erie  
Supervisor

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Edward G. Latuska  
Supervisor

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Philip B. Wulff  
Supervisor