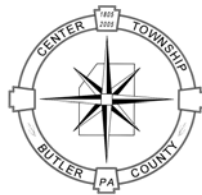


Board of Supervisors:
Andrew Erie, Chairman
Alan Smallwood, Vice Chairman
Kenneth Frenchak Jr, Supervisor
Edward Latuska, Supervisor
Philip Wulff, Supervisor



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
 February 12, 2014
 6:30 p.m.

CALL TO ORDER:

Vice Chairman Alan Smallwood 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 Vice Chairman Smallwood, present were Supervisors Kenneth Frenchak, Edward Latuska and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; Public Works Director Mark Lauer and Township Secretary/Treasurer Anthony Amendolea. Chairman Andrew Erie was absent.

PUBLIC TO BE HEARD:

1. Mr. Ronald Flatt, 315 North Duffy Road: Since the Pennsylvania Supreme Court overturned the portion of Act 13 "*limiting municipalities powers on drilling*", he requests the Board rescind the moratorium which was invoked in March 2013.

MINUTES:

1. Reorganization/Regular Agenda Setting Meeting – January 2, 2014: *Latuska motioned approving the minutes of the Reorganization/Regular Agenda Setting Meeting held on January 2, 2014. Wulff seconded. Smallwood abstained. Motion carried 3 to 0.*
2. Reorganization/Regular Meeting – January 6, 2014: *Latuska motioned approving the minutes of the Reorganization/Regular Meeting held on January 6, 2014. Smallwood seconded. Motion carried.*

TREASURER'S REPORT:

1. January 2014: *Latuska motioned approving the January 2014 Treasurer's Report. Frenchak seconded. Motion carried.*

2. Warrant List 14-01-02: ***Latuska motioned approving Warrant List 14-01-02. Frenchak seconded. Motion carried.***
3. Warrant List 14-02-03: ***Latuska motioned approving Warrant List 14-02-03. Frenchak seconded. Motion carried.***

ZONING REPORT: January 2014: Construction costs were \$46,046.00 fees collected were \$582.76.

SUBDIVISION & LAND DEVELOPMENTS:

1. Everitt/Blain Minor Subdivision No. 2014-01-01, 3 Lots, Final: Ms. Cheryl Hughes presented for Mr. Anthony Everitt, 351 West Sunbury Road, a plan proposing to convey .21 of .80 acres (m/l) from Center Township Map 060-2F63-1C and 3.25 of 4.36 acres (m/l) from Center Township Map 060-2F63-1D to Center Township Map 060-2F63-1B currently owned by Mr. and Mrs. Dale A. Blain, 319 West Sunbury Road. The proposed parcels will consist of .59 acres (m/l) (Center Township Map 060-2F63-1C), 1.11 acres (m/l) (Center Township Map 060-2F63-1D), and 40.90 acres (m/l) (Center Township Map 060-2F63-1B. Building Code Official/Zoning Officer Round issued an “Enforcement Notice” for violation of property maintenance on Center Township Map 060-2F63-1D with compliance no later than May 1, 2014. Butler County Planning Commission had no comments per letter dated January 9, 2014. Township Engineer Olsen’s comments are, as follows (*Ms. Cheryl Schaefer’s comments are italicized*):
 - a. All lots resulting from this Plan of Lots appear to have access to the existing public sanitary sewer system and no additional lots are being created; therefore no Sewage Facilities Planning Modules are required.
 - b. Existing lands of Blain described as Lot 4 will have a barn accessory structure, but no primary structure. Several months ago, the Township had discussed amending the Zoning Ordinance to permit this condition, but this was never adopted. An accessory structure currently cannot exist on a lot without a primary structure. The Planning Commission and Board of Supervisors may offer any alternatives to the Applicant, other than demolition of the barn. [Ordinance No 2013-03-03 adopted March 13, 2013] (*Structure will be labeled “Existing non-conforming structure”.*)

The Planning Commission recommended, contingent of labeling existing structure as “existing non-conforming structure”, final approval of the Everitt/Blain Minor Subdivision No. 2014-01-01.

The structure was labeled “existing non-conforming structure”.

Latuska motioned granting final approval to the Everitt/Blain Minor Subdivision No. 2014-01-01. Frenchak seconded. Motion carried.

OLD BUSINESS:

1. Ratify Oil/Gas Lease Ad: Erie authorized Township Solicitor Gallagher to advertise bids for oil and gas lease which appeared in the Butler Eagle editions of January 27 and February 3, 2014. ***Frenchak motioned ratifying the placement of an ad in the Butler Eagle editions of January 27 and February 3, 2014 requesting bids for oil and gas***

lease. Latuska seconded. Motion carried.

NEW BUSINESS:

1. Award Bid for Oil/Gas Lease: The Board advertised to lease properties that Center Township owns for oil/gas. The properties are Center Township Map 060-S18-A2A (16.519 ac (m/l)), 060-2F104-14C (3.23 ac (m/l)), 060-S4-15 (.388 ac (m/l)), 060-S4-16B (.315 ac (m/l)) and S6 AB (1.83 ac (m/l)). No bids were received
2. Building Code Official/Zoning Officer Round's Training Reimbursement:
 - a. Dealing with Devastation – 1/9/14 – Reimbursement - \$65: Building Code Official/Zoning Officer attended “Dealing with Devastation” seminar on January 9, 2014. He requests reimbursement of \$65.00. ***Frenchak motioned reimbursing Building Code Official Round \$65.00 for his attendance at the “Dealing with Devastation” on January 9, 2014. Wulff seconded. Motion carried.***
 - b. UCC Enforcement Actions – 1/9/14 – Reimbursement - \$65: Building Code Official/Zoning Officer attended “UCC Enforcement Actions” seminar on January 9, 2014. He requests reimbursement of \$65.00. ***Frenchak motioned reimbursing Building Code Official Round \$65.00 for his attendance at the “UCC Enforcement Actions” on January 9, 2014. Latuska seconded. Motion carried.***
3. Temporary Structures: Township Engineer Olsen stated the Uniform Construction Code prohibits the use of temporary structures during emergencies. The Uniform Construction Code must be amended through Labor and Industry. ***Latuska motioned authorizing Building Code Official/Zoning Officer Round to investigate modifying the Uniform Construction Code through Labor and Industry to permit use of temporary structures during emergencies. Smallwood seconded. Motion carried.***
4. Stirling Request: Mr. Robert Stirling requests (1) something is done to correct trash collectors losing trash from their trucks along North Duffy Road. The office received a complaint with the same occurrence along Brown Road. Erie notified Vogel and Waste Management about the complaints. Both companies will monitor the affected areas. (2) The Township placed an opening on Mercer Road running stormwater onto the Stirling property. Mr. Stirling requests something be done to correct the problem. He will notify the Township in the Spring when it rains.
5. Courtesy Notice – 171 South Benbrook Road: Building Code Official/Zoning Officer Round received a complaint of the property situated at 171 South Benbrook Road (Center Township Map 060-3F43-13A). Round requests authorization to send a courtesy notice to the property owner. ***Latuska motioned authorizing Building Code Official/Zoning Officer Round to mail a courtesy notice to the property owner of 171 South Benbrook Road (Center Township Map 060-3F43-13A). Frenchak seconded. Motion carried.***

6. Records Destruction Resolution No. 2014-02-05: Township Secretary/Treasurer Amendolea submitted a request to destroy various records from 2004 through 2012 in accordance with Municipal Records Manual approved December 16, 2008. ***Latuska motioned adopting the Records Destruction Resolution No. 2014-02-05. Frenchak seconded. Motion carried.***
7. Ratify Sale of Tank: The Township advertised the sale of the tank twice with no bids received. At the regular meeting held on October 9, 2013, the Board authorized the scrapping of the tank. Mr. William Errera contacted Erie about purchasing the tank at the scrape value. Mr. Errera will take the tank to be weighed and reimburse the Township. ***Smallwood motioned authorizing the sale of the tank to Mr. William Errera in the amount \$660.00 which was the scrap value. Latuska seconded. Motion carried.***
8. Unionville Volunteer Fire Company Events: The Unionville Volunteer Fire Department provided the Township with a list of events they will be participating in 2014 for workers compensation coverage. Those events are:
- a. Pittsburgh Fire & Rescue & EMS Expo, February 21 – 23, Monroeville, PA
 - b. Fire Department Instructors Conference, April 7-12, Indianapolis, IN
 - c. PA Fire Expo, May 16-18, Harrisburg, PA
 - d. 4 Guys Fire Truck Manufacturer, Dates unknown, Meyersdale, PA
 - e. Memorial Day Parades, Chicora and Harrisville, PA
 - f. Saxonburg Fireman's Parade, Saxonburg, PA
 - g. North Washington Rodeo Parade, North Washington, PA
 - h. Pancake Breakfast Fundraisers, November 9 and December 14, Unionville Fire Hall
 - i. Annual Sportsman's Night, March 15, Unionville Fire Hall
 - j. Car Show, June 22, Unionville Fire Hall
- Latuska motioned authorizing the participation of aforementioned events for workers compensation coverage. Wulff seconded. Motion carried.***
9. Computer Purchases: Microsoft will no longer provide support for Windows XP after April 8, 2014. This means no updates or virus protection for the operating system. Currently, the office has four (4) computers which are affected. Township Secretary/Treasurer Amendolea requests authorization to research the best possible purchase price for three (3) computers to include approval of a majority of the Board to purchase the computers. ***Latuska motioned authorizing Township Secretary/Treasurer Amendolea to research the best possible price for three (3) computers and procure approval from a majority of the Board prior to purchase. Smallwood seconded. Motion carried.***
10. Vehicle Identification: Smallwood requests the Board consider (1) identifying vehicles and equipment with numbers and decals, (2) maintain hours/mileage of the equipment and vehicles, (3) perform daily inspections on vehicles and equipment and (4) discuss vacation notification and planning of work during absences. The vehicles will be

identified by a two (2) digit number with size and location to be determined later. A policy will be written and a resolution passed at the next meeting.

11. Authorize Ad for Container Storage Area and Vehicle Sales Ordinances: Building Code Official/Zoning Officer Round received a request (1) to permit a container storage area in the "C-2", Highway Commercial District and "M-1", Light Industrial District and (2) permit sale of motor vehicles, excluding heavy equipment in the "C-1", Retail and Service Commercial District, sale and service of new and used motor vehicles including heavy equipment in the "C-2", Highway Commercial District, "M-1", Light Industrial District and "M-2", Heavy Industrial District. ***Latuska motioned authorizing placement of ad scheduling a public hearing to be held on April 7, 2014 at 6:00 p.m. in the Butler Eagle editions of Thursday, March 6, 2014 and Sunday, March 30, 2014. Frenchak seconded. Motion carried.***
12. Henricks Road (T-830) Adoption Resolution No. 2014-02-06: Clearview Manor Development Company dedicated additional road width for public use on May 16, 1994. The Township must adopt the additional road width. A certified copy must be recorded at the Butler County Court House and PennDot. ***Latuska motioned adopting Henricks Road (T-830) Adoption Resolution No. 2014-02-06. Wulff seconded. Motion carried.***
13. 2013 Home Occupation Enforcement: Building Code Official/Zoning Officer Round appeared at the District Justice (Center Township vs. Rick and Laura Fleeger) on April 23, 2013. Mr. Fleeger was fined \$683.00 which he has failed to pay. Township Solicitor Gallagher has a conflict of interest. He recommends Philip Lope for counsel. ***Latuska motioned authorizing the Township to retain Mr. Philip Lope to discuss with Building Code Official/Zoning Officer Round options to proceed in collecting the \$683.00 fine. Frenchak seconded. Motion carried.***
14. 2014 Home Occupations Non-Renewals: Building Code Official/Zoning Officer Round submitted a list of home occupations which have not renewed for 2014. Round requests authorization to proceed with enforcement of the violation. ***Wulff motioned authorizing Round to mail violation notices to the individuals which have not renewed their Home Occupations for 2014. Frenchak seconded. Motion carried.***
15. Workers Compensation Coverage: The Township received notice that EMC insurance will not renew our workers compensation policy effective April 1, 2014. Our broker, H. A. Thomson, is researching a company which will insure firefighters. If the Township must receive a policy through the State Workers Insurance Fund, our premiums may increase a minimum of fifty percent (50%).

PUBLIC WORKS DIRECTOR:

1. 2014 - 2015 Salt Contract: The Township must enter into a contract with the Commonwealth if we want to participate in the Costars Salt Contract. Last year, we entered into a contract for 2,000 tons. Public Works Director Lauer recommends entering into the contract for 3,000 tons. We are required to purchase at least sixty

- percent (60%) (1,800 tons) or a maximum of 140% (3,120 tons). ***Latuska motioned, based on Public Works Director Lauer's recommendation to enter into the 2014 – 2015 Salt Contract for 3,000 tons. Frenchak seconded. Motion carried.***
2. 2013 - 2014 Salt Contract: Public Works Director Lauer requests purchasing 140 % of the allowable 2,000 tons or 2,800 tons. ***Latuska motioned, based on Public Works Director Lauer's recommendation, authorizing the purchase of 2,800 tons. Frenchak seconded. Motion carried.***
 3. Release Trumco Road Bond – Unionville Road (T-805) - \$12,500: Trumco Forest Products logging in Franklin Township and requests release of their road bond from the Township line to State Route 8 on Unionville Road (T-805). ***Latuska motioned, based on Public Works Director Lauer's recommendation, releasing Trumco Forest Products road bond for Unionville Road (T-805) in the amount of \$12,500. Smallwood seconded. Motion carried.***
 4. Traffic Signal Maintenance: Bronder Technical Services submitted their annual agreement for traffic signal maintenance for 2014. All rates remained the same except for electrician and lineman. ***Latuska motioned, based on Public Works Director Lauer's recommendation, authorizing Smallwood to sign the agreement with Bronder Technical Services for 2014. Wulff seconded. Motion carried.***
 5. 1992 International Truck Conversion: Wulff received a quote, in the amount of \$2,664.97, from T M Kaylor to paint the 1992 International Truck cab prior to the placement of the bed to complete the conversion. In addition, Public Works Director Lauer provided pricing from Walsh Equipment for a Gledhill 10 foot Model SBPR4 plow (\$12,665) and a 10 foot Hiway E2020XT Hopper Spreader (\$13,945). ***Latuska motioned (1) ratifying the acceptance of the quote in the amount of \$2,664.97 to paint the 1992 International Truck prior to the placement of the bed to complete the conversion and (2) purchase the Gledhill 10 foot Model SBPR4 plow (\$12,665), Quick Coupling Push Attachment (\$1,360), and Halogen Plow Lights with turn signals (\$735). Frenchak seconded. Motion carried.***
 6. LTAP Classes Attendance:
 - a. Road Side Safety Features – 2/26/2014 – Oil City: Public Works Director Lauer request authorization to attend along with Lenny Young the “Road Side Safety Features” on February 26, 2014 in Oil City. ***Latuska motioned authorizing Public Works Director Lauer and Lenny Young to attend the “Road Side Safety Features” on February 26, 2014 in Oil City. Frenchak seconded. Motion carried.***
 - b. Posting and Bonding of Local Roads – 3/17/2014 – Clarion: Public Works Director Lauer requests authorization to attend the “Posting and Bonding of Local Roads” on March 17, 2014 in Clarion. ***Latuska motioned authorizing Public Works Director Lauer to attend the “Posting and Bonding of Local Roads” on***

March 17, 2014 in Clarion. Frenchak seconded. Motion carried.

- c. Full Depth Reclamation – 3/26/2014 – Hermitage: Public Works Director Lauer requests authorization to attend the “Full Depth Reclamation” on March 26, 2014 in Hermitage. **Latuska motioned authorizing Public Works Director Lauer to attend the “Full Depth Reclamation” on March 26, 2014 in Hermitage. Frenchak seconded. Motion carried.**
7. Sponsor LTAP Classes: Public Works Director Lauer request permission to sponsor LTAP classes “Equipment and Worker Safety” and “Work Zone Temporary Traffic Control” at Unionville Volunteer Fire Company. He needs authorization from the fire company to use the training room. Since the classes are 3.5 hours each, they would be held in the same day. Although LTAP would advertise the classes, he would like to send letters to the surrounding municipalities. **Latuska motioned authorizing Public Works Director Lauer to sponsor LTAP classes “Equipment and Worker Safety” and “Work Zone Temporary Traffic Control” and notify surrounding municipalities by letter of the classes. Frenchak seconded. Motion carried.**
8. Henricks Road Detour: PennDot scheduled a meeting to be held at the Center Township Municipal Building on February 19, 2014 at 11:00 a.m. to discuss the closing of the bridge near State Route 38.
9. Salt Building Damage: There are holes and cracks in the walls of the salt building. Public Works Director Lauer will contact the contractor to see if the repairs are under warranty.

ENGINEER’S REPORT:

1. Township Property (419 Sunset Drive): Township Engineer Olsen received two (2) quotes from Nicklas, King McConahy to appraised proposed property to be acquired from R. W. McDonald and Sons. The fee to provide a valuation of the land to be conveyed by McDonald’s to the Township plus a value of the right-of-way to be extinguished across land owned by the Township is \$1,200. The fee to value the Township’s property in it’s as-is state, plus a prospective value with the additional land and the extinguishment of the right-of-way is \$2,100. **Frenchak motioned to accept the quote of \$3,300 to perform the appropriate appraisals. Wulff seconded. Motion carried.**
2. Meadowbrook Apartments Occupancy: Township Engineer Olsen stated Pennsylvania Department of Environment Protection and Butler County Conservation District has the authority to stop work and issue significant fines to assure compliance. Therefore, he recommends Building Code Official/Zoning Officer Round issue occupancy permits to Meadowbrook Apartments. **Latuska motioned authorizing Building Code Official/Zoning Officer Round to issue the occupancy permits for Meadowbrook Apartments. Smallwood seconded. Motion carried.**

3. Henricks Road: When Henricks Road is placed on the Transportation Improvement Plan, the Board may decide to consider designing the recently adopted right-of-way.
4. Dedicated Road Rights-of-Way: Since the adoption of Henricks Road, Township Engineer Olsen suggested reviewing approved subdivision plans for other dedicated rights-of-way. This item is to be added to the March agenda.

SOLICITOR'S REPORT:

1. State Supreme Court Ruling – Act 13: On March 13, 2013, the Board imposed a moratorium on the enforcement of Chapter 20, Article V.I, Section 20-5.107(C) of the Zoning Chapter until the Supreme Court ruled on Act 13; the one size fits all zoning for oil and gas rule. The Supreme Court found Act 13 to be unconstitutional. ***Latuska motioned, based on Township Solicitor Gallagher's recommendation, terminating the moratorium on the enforcement of the Center Township Zoning Ordinance requirements pertaining to Chapter 20, Article V.I, Section 20-107(C) of the Zoning Chapter. Frenchak seconded. Motion carried.***
2. Non-Surface Lease Amendment: Township Solicitor Gallagher suggests amending the Mineral Extraction Overlay District to parallel a non-surface contract so that non-surface means no surface activity whatsoever – no shallow pipelines, no driveways, no equipment storage, no lights, etc. So, §20-5.104 of the Mineral Overlay Ordinance, entitled "Permitted Accessory Uses" would be amended by adding a section D., which states:

D. *Non-Surface Oil and Gas Horizontal Underground Drilling Operations. As used herein, the term Non-Surface Oil and Gas Horizontal Underground Drilling Operations excludes:*

Geophysical surveys with seismographs, by core tests, gravity, magnetic, geochemical and other methods whether now developed or developed later, constructing drill sites to drill new wells, recondition producing wells, re-drill and use abandoned wells, utilizing pipe and equipment on the surface or shallow depth of any property, drilling and otherwise operating on the surface for oil or gas or both, including constructing, laying, modifying, operating, repairing, maintaining and removing pipelines, telephone, lights, power and electric lines, storing transportation or other equipment, utilizing tanks, ponds, permanent roadways including stone or rock roads, plants, stations, compressors, equipment and structures thereon including houses or valves, meters, regulators and other appliances, and injecting air, gas, water, brine or other substances into the subsurface strata from the surface.

The various sections of the R-1, R-2, R-3, C-1, C-2, M-1 and M-2 conditional use provisions for oil and gas extraction would be amended by adding language to the end of each provision:

NOTE – Non-surface oil and gas horizontal underground drilling operations, as defined in §20-5.104.D., are accessory uses to oil and gas extraction as a conditional use in this district.

3. Office of Open Records vs Center Township: Township Solicitor Gallagher attended a hearing in Harrisburg with the Office of Open Records. The President Judge then directed Center Township and OOR to file a Joint Motion for Summary Resolution so that this matter can be heard by either a panel or the Court *en banc*. The Brief of OOR

must be filed on or before February 25, 2014. Center Township's Reply Brief will be due to be filed on or before March 20, 2014. The hearing will be scheduled for April 2014. This matter will be argued in Pittsburgh and not in Harrisburg or Philadelphia.

MISCELLANEOUS:

1. Butler County Fire and Emergency Services: Public Works Director Lauer stated the Butler County Fire and Emergency Services is a seminar "Leading and Heading of the Future" in Slippery Rock on March 1, 2014 at 10:30 a.m. He encouraged two (2) supervisors attend.
2. Gas Well Fire, Greene County: Township Engineer Olsen noted the gas well fire in Greene County. Emergency responders could not approach less than 300 yards from the fire. He is concerned with the installation of the Edge Marc gas line.
3. Mineral Extraction Ordinance: Frenchak stated that Mr. Ron Flatt should be involved with the amendment to the Mineral Extraction Overlay District. He accepted to assist in this matter. ***Frenchak motioned appointing Mr. Ron Flatt to assist the Planning Commission, Building Code Official/Zoning Officer Round, Township Engineer Olsen and Township Solicitor with the Mineral Extraction Overlay District amendment. Latuska seconded. Motion carried.***

ADJOURNMENT:

The meeting adjourned to an executive session to discuss personnel matters at 8:07 p.m. The meeting reconvened at 8:50 p.m. with no action taken.

Frenchak motioned to adjourn at 8:55 p.m. Wulff seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Absent
Andrew Erie
Chairman

Alan H. Smallwood
Vice Chairman

Kenneth J. Frenchak Jr
Supervisor

Edward G. Latuska
Supervisor

Phillip B. Wulff
Supervisor