

Board of Supervisors:

Edward Latuska, Chairman
Alan Smallwood, Vice Chairman
Andrew Erie, Supervisor
Kenneth Frenchak Jr, 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 12, 2014

6:30 p.m.

CALL TO ORDER:

Chairman Andrew Erie 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 Erie, present were Vice Chairman Smallwood; 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.

The meeting adjourned to Executive Session at 6:31 p.m. for personnel issues. The meeting reconvened at 6:50 p.m.

Latuska motioned ratifying the sale of Township property, 4.5 tons of road salt, to the Butler Area Sewer Authority in the amount of \$292.50. Frenchak seconded. Motion carried.

Latuska motioned ratifying the sale of Township property, 2 tons of road salt, to Scott Landscaping in the amount of \$200.00.

Frenchak stated the Second Class Township Code Article XV, Corporate Powers, Section 1503(a), Personal Property, states:

“No real estate owned by the township having a value in excess of fifteen hundred dollars (\$1,500) may be sold except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. The award of contracts shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. All bids shall be accepted on the condition that the payment of the purchase price in full shall be made within sixty days of the acceptance of bids.”

Public Works Director submitted the following incident reports:

“Today’s Date: March 12, 2014 Incident Date:

January 24th 2014

While on vacation in Florida I received a phone call from Tim Amerson, foreman for Butler Area Sewer Authority about a need for road salt. Butler Township normally supplied them (at cost) with salt, but were unable to at this time due to their own shortage. They needed about 5 ton, they were completely out.

I told him I didn't feel there would be a problem since we had approximately 1200 ton still in storage and that we were permitted to

sale/trade from Municipality to Municipal Authority.

I called the office and advised Anthony of the need of BASA, and what was transpiring.

After about an hour or two, I called Tim back and advised him to go ahead and send a truck up to get his salt. I called Tom Smith and had him load the BASA truck that day.

Center Township Incident Report by Mark Lauer, Public Works Director, February 27, 2014

February 16/17th, 2014

While plowing Gusty Dr I came across Tim Scott of Scott Landscaping and his crew cleaning driveways. Tim and I were talking about this winter and he ask how our salt was holding up. I stated we had about 1000 tons of pure salt and 400 to 500 ton of mixed.

He stated that he couldn't find any and they wanted up to \$200 dollars per ton for it if he could get it. Jokingly I said maybe we could sell you some at 100 dollars a ton that was a deal for both of us. He said could you check and see.

I ask Andy Erie later in the week if we could sell Scott landscaping a couple ton of salt and that Tim was willing to pay 100 dollars per ton. He said I don't see why not. I told him I would check with PennDot.

On Wednesday the 19th of February, after our meeting with PennDot about the Henricks Road Bridge project, I asked Dick Knapko if we were permitted to sell salt to a private individual/company. He stated probably not and then he would advise us not to do it.

On Thursday the 20th I advised Andy of what Dick Knapko said.

On Friday the 21st, Andy was at the PWB. He (andy) stated that Anthony told him that we didn't buy the salt with liquid fuels money, therefore we could sell Scott Landscaping salt and he told me to go ahead and sell him some.

On Monday February 24th I stopped in the morning and informed Tim Scott that I was able to load him, and he sent a truck down within the hour and I loaded 2 ton of salt onto his truck.

On Tuesday the 25th I emailed Anthony to advise him to invoice Scott Landscaping for the 2 ton of salt at \$100/ton per Chairman Erie."

Mr. Tim Scott, Scott Landscaping confirmed Public Works Director Lauer's statement.

Latuska stated none of the other Board members were aware of the sale. Erie authorized the sale. Mr. Richard Knapko, PennDot, advice was relayed to Erie. Erie dispersed Township property, catch basin, to the Center Township Athletic Association several years ago. Decisions to sale Township property are by Board approval not by an individual supervisor. He stated Erie could review the minutes from the February 12, 2014 meeting. This could expose Center Township and the Board to legal ramifications.

Erie denied he authorized the sale. He was release from the hospital on Monday, February 18, 2014 after nine (9) days. On Tuesday, February 19, 2014 he was in the office covering for Township Secretary/Treasurer Amendolea but left early. Public Works Director Lauer stated that he sold 4.5 tons of salt to the Butler Area Sewer Authority and Scott Landscaping wanted two (2) tons of road salt. Erie thought the Board approved the sale at the meeting held on Wednesday, February 12, 2014.

Smallwood was contacted by Erie to see how the meetings went. No question about the road salt sale.

Township Solicitor Gallagher stated the decision was a violation of the Second Class Township Code. His role was not to decide facts. Since the amount was minimal, there *was (corrected April 9, 2014)* not significant impact on the Township. This does not set precedence.

The Board was polled:

Frenchak	Nay
Wulff	Nay
Latuska	Nay
Smallwood	Nay
Erie	Abstained

Motion failed 0 to 4.

Latuska motioned removing Andrew Erie as Chairman. Frenchak seconded.

Frenchak stated he nominated Erie as Chairman at the January 6, 2014 Reorganization Meeting. He based his nomination on Erie's tenure. He thinks the medication is clouding Erie's judgment and cannot continue as Chairman.

Wulff is considering the good of the Township. He thinks the medication is affecting Erie's judgment.

Smallwood echoed Wulff's comments. He has learned a lot in a short period of time.

The Board was polled:

Frenchak	Aye
Wulff	Aye
Latuska	Aye
Smallwood	Aye
Erie	Abstained

Motion carried 4 to 0.

Smallwood motioned appointing Edward Latuska as Chairman. Frenchak seconded. Latuska abstained. Erie against. Motion carried 3 to 1.

Latuska stated as a supervisor for sixteen (16) years, he has seen that the Chairman has too much responsibility. Therefore, he is delegating authority to the Board as:

Frenchak	Chair meetings, Oversee Planning Commission
Wulff	Fire Department Liaison
Latuska/Smallwood	Public Works
Erie	Daily Office Operations

In addition, failure to communicate between office personnel and supervisors will not be tolerated. Anyone who thinks they are protected and is untouchable is incorrect.

Frenchak chaired the meeting.

PUBLIC TO BE HEARD:

1. Ms. Debra Nelson, 278 West Brewster Road: Ms. Nelson discussed the proposed

Bees/Chickens ordinance. She stated that chickens are not livestock. Livestock is a commodity that can be liquidated to settle debts. Chickens are poultry/fowl. Bees are endangered.

MINUTES:

1. Agenda Setting Meeting – February 10, 2014: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on February 10, 2014. Wulff seconded. Motion carried.*
2. Regular Meeting – February 12, 2014: *Latuska motioned approving the minutes of the Regular Meeting held on February 12, 2014. Smallwood seconded. Motion carried.*

TREASURER'S REPORT:

1. February 2014: *Latuska motioned approving the February 2014 Treasurer's Report. Wulff seconded. Motion carried.*
2. Warrant List 14-02-04: *Latuska motioned approving Warrant List 14-02-04. Wulff seconded. Motion carried.*
3. Warrant List 14-03-05: *Latuska motioned approving Warrant List 14-03-05. Smallwood seconded. Motion carried.*

ZONING REPORT: February 2014: Construction costs were \$0.00 fees collected were \$25.00.

SUBDIVISION & LAND DEVELOPMENTS: None

OLD BUSINESS:

1. Emergency Temporary Structures and Uniform Construction Code: At the meeting held on February 12, 2014, Township Engineer Olsen stated the Uniform Construction Code prohibits the use of temporary structures during emergencies. The Board authorized Building Code Official/Zoning Officer Round to investigate modifying the Uniform Construction Code through Labor and Industry. His conclusion is:

“As a general statement, Temporary structures are generally not subject to UCC permit and inspection requirements, if they are not erected for more than 180 days,

The exceptions to this are;
Residential situations

If the building will be occupied by the general public

The Township's building official is authorized to issue a permit for temporary residential structures and temporary residential uses provided he remains consistent with the requirements of R107 of the most recently adopted version of the International Residential Code.

Manufactured housing can be used as temporary housing provided it is set up in compliance with the guidelines established by The Department of Community and Economic Development.

Pay close attention to the language L & I put in their advisory;

If the building will be occupied by the general public, a Building Code Official should require a permit and impose the requirements

found in section 3103.2 through 3103.4 of the IBC. [underlining for emphasis]

The term "should" is not mandatory. I am making an ASSUMPTION this was done to give the building official a little leeway in the event of an emergency situation.

The UCC does require permitting/inspection/approval of some temporary emergency structures, however, I did not come to the conclusion the UCC "prohibits" the use of temporary structures during emergencies.

If there is a particular type temporary structure or temporary use you have concerns with, or you have other information I am not aware of, please let me know and I will research that specific issue.

2. EdgeMarc Clear Cutting: Ms. Marsha Dasch, 311 East Brewster Road, attended the Agenda Setting meeting held on March 10, 2014 to discuss the possibility of having Mr. Don Shedio remove the trees from the EdgeMarc clear cutting for the proposed pipe line. She asked the Board to consider permitting Mr. Shedio to remove the trees without a logging permit. ***Frenchak motioned (1) authorizing Building Code Official/Zoning Officer Round and Flatt amend the "Timber Harvesting" ordinance to exempt land developments and pipeline construction and (2) until in effect provide relief to property owners affected by the construction of the Edge Marc pipe line. Smallwood seconded. Motion carried.***

NEW BUSINESS:

1. Vehicle Identification Policy Resolution No. 2014-03-07: Smallwood proposed that the Township vehicles and equipment be numbered for easy identification. In addition, he recommended the Public Works Department to maintain a daily pre and post inspection log to include mileage and/or hours. ***Latuska motioned adopting the Vehicle Identification Policy Resolution No. 2014-03-07. Erie seconded. Motion carried.***
2. Workers Compensation Recommendations:
 - a. Develop Physician Panel: Mr. Greg Cunningham, H. A. Thomson, recommends the Township establish a Physician Panel. No action taken.
 - b. Develop Safety Committee: Mr. Greg Cunningham, H. A. Thomson, recommends the Township establish a Safety Committee. No action taken.
3. Gray Rezoning Request: Mr. Richard Gray requests rezoning property at 2040 William Flynn Highway (Center Township Map 060-S5-A). Currently, the property is zoned R-1, Single Family Residential District and C-2, Highway Commercial District. Mr. Gray asks the R-1, Single Family Residential District portion be rezoned to C-2, Highway Commercial District. ***Frenchak motioned (1) scheduling a public hearing for May 12, 2014 at 6:00 p.m. and (2) authorizing Township Secretary Amendolea to proceed with drafting an ordinance and ads for the public hearing. Latuska seconded. Motion carried.***
4. Proposed Bees/Chickens Ordinance: The Planning Commission reviewed the proposed bees/chickens ordinance prepared by Building Code Official/Zoning Officer Round. The Planning Commission recommended approval in favor 3 to 1. ***Frenchak motioned tabling the proposed bees/chickens ordinance. Latuska seconded. Motion carried.***

5. Proposed Self-Service Storage Facility in C-2: The Planning Commission reviewed the proposed self-storage facility in the C-2, Highway Commercial District, ordinance prepared by Building Code Official/Zoning Officer Round. The Planning Commission recommended not approving the ordinance. The Board supports the Planning Commission's recommendation.
6. NPDES and Highway Occupancy Training – 03/18/2014 – Oil City - \$10: PennDot is conducting a Municipal Permit Workshop for NPDES and Highway Occupancy training in Oil City from 10:00 a.m. to 2:00 p.m. on Wednesday, March 18, 2014. No interest in attending.
7. Use of Butler County Inmates: Smallwood suggested the possibility of using Butler County inmates to cut grass and pick up trash through the Township. Latuska will contact Union representative, Lenny Young, to discuss. Also, workers compensation must be paid by the County.

PUBLIC WORKS DIRECTOR:

1. Training:
 - a. Low Volume Paved Roads – 6/17 – 6/18/2014 – Titusville - \$0: Public Works Director Lauer request authorization to attend the “*Low Volume Paved Roads*” on February 26, 2014 in Oil City. ***Frenchak motioned authorizing Public Works Director Lauer to attend the “Low Volume Paved Roads” on June 17 and 18, 2014 in Titusville. Latuska seconded. Motion carried.***
 - b. Excavation and Trenching/Competent Person – 5/5/2014 – Latrobe - \$50: Public Works Director Lauer requests authorization to attend the “*Excavation and Trenching/Competent Person*” on May 5, 2014 in Latrobe. ***Latuska motioned authorizing Public Works Director Lauer, Winchester and Young to attend the “Excavation and Trenching/Competent Person” on May 5, 2014 in Latrobe at \$50.00 per attendee. Wulff seconded. Motion carried.***
2. Great American Cleanup of PA – 4/26/2014: The Township will hold a cleanup day on April 26, 2014 from 8:00 a.m. to 12:00 p.m. The locations will be at 1161 Sunset Drive and 150 Henricks Road. The event will be held rain or shine. Public Works Director Lauer requests authorization to have four (4) Road Crew employees work from 7:30 a.m. to 12:30 p.m. ***Latuska motioned authorizing four (4) Road Crew employees to work from 7:30 a.m. to 12:30 p.m. on April 26, 2014 for the Great American Cleanup Day. Wulff seconded. Motion carried.***
3. Henricks Road (T-830) Bridge Closure: Latuska and Public Works Director Lauer met with PennDot on February 19, 2014 to discuss the proposed detour for the Henricks Road Bridge which will be closed in the Fall of 2014 for repairs. PennDot requires Township approval of the proposed detour which will from Henricks Road (T-830) at State Route 38 (SR 0038) to US Route 422 (US 422) to State Route 8 (SR 0008) to State Route 308 (SR 0308) to Henricks Road (T-830). ***Latuska motioned authorizing the detour from Henricks***

Road (T-830) at State Route 38 (SR 0038) to US Route 422 (US 422) to State Route 8(SR 0008) to State Route 308 (SR 0308) to Henricks Road (T-830). Smallwood seconded. Motion carried.

4. "Watch Children" Sign Request: A request from Ms. Patricia Green, 213 Central Drive, was received to place a "Watch Children" sign on Central Drive (T-301). **Latuska motioned, based on Public Works Director Lauer's recommendation, to erect a "Watch Children" sign on Central Drive (T-301). Wulff seconded. Motion carried.**
5. Pennsylvania American Water Line Extension: Pennsylvania American Water Company is preparing bids to extend their water line along Sunset Drive (T-442) from Mahood Road (T-860) north to State Route 8 (SR 0008). They request permission to use the right-of-way. **Erie motioned granting permission to Pennsylvania American Water Company and subcontractor to use the right-of-way on Sunset Drive (T-442) from Mahood Road (T-860) north to State Route 8 (SR 0008). Latuska seconded. Motion carried.**
6. Street Sweeping: The annual street sweeping will begin the second week of April.
7. Fuel Pump: The card reader is working, but requires new passwords.
8. Leaf Collection: The leaf collection area will be reopened for April and May.

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. Mr. Dave King walked the property on Monday, March 10, 2014 and took pictures of the buildings.
2. Dedicated Road Right-of-Ways: Since the adoption of Henricks Road, Township Engineer Olsen suggested reviewing approved subdivision plans for other dedicated rights-of way. **Frenchak motioned authorizing Township Engineer Olsen to research previous subdivisions which dedicated rights-of-way to the Township and report his findings to the Board. Latuska seconded. Motion carried.**
3. EdgeMarc Pipe Line: A meeting is set with EdgeMarc to discuss the pipe line on Wednesday, March 19, 2014 at 10:00 a.m. **Frenchak motioned authorizing Township Secretary/Treasurer Amendolea to advertise the meeting. Latuska seconded. Motion carried.**

SOLICITOR'S REPORT:

1. Mercer Woods Development: A developer is interested in building townhouses on a parcel

on Mercer Road. Building Code Official/Zoning Officer Round asked Township Solicitor Gallagher to determine if a management office, community center, and/or meeting room are permitted accessory uses. Township Solicitor Gallagher notified the developer by letter, dated March 10, 2014, that a management office and/or community center are a permitted accessory structure.

2. Office of Open Records vs. Center Township: Township Solicitor Gallagher received notice from the Commonwealth Court that arguments will be heard by the full panel.

MISCELLANEOUS:

1. Stirling Water Problem: Erie met with Mr. Robert Stirling this afternoon to view the water runoff from Mercer Road.
2. Adam Township: Adam Township is contemplating building a maintenance facility and salt storage. They want to tour our facility.
3. Mineral Extraction Ordinance: Mr. Ron Flatt stated that when the Board drafted the Mineral Extraction Overlay ordinance, the Board considered information from the gas companies and environmentalists could be bias. A policy for storing waste water from wells should be developed. Property owners expect zoning regulations will be upheld. The 20 and 30 acres restriction in the ordinance require modification. Surface activities must be outside the dense populated areas.

ADJOURNMENT:

Frenchak motioned to adjourn at 8:46 p.m. Latuska seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Edward G. Latuska
Chairman

Alan Smallwood
Vice Chairman

Andrew Erie
Supervisor

Kenneth J. Frenchak Jr
Supervisor

Phillip B. Wulff
Supervisor