

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



Anthony Amendolea, Secretary/Treasurer
Michael Gallagher, Solicitor
Olsen & Associates, Engineer

Center Township Board of Supervisors
Regular Meeting Minutes
March 11, 2015
6:30 p.m.

CALL TO ORDER:

Chairman Edward Latuska 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 Latuska, present were Andrew Erie, Kenneth Frenchak, Alan Smallwood and Philip Wulff; Township Solicitor Gallagher; Step Up Foreman Gregory Brewster; and Township Secretary/Treasurer Anthony Amendolea. Township Engineer Olsen 6:33 p.m.

PUBLIC TO BE HEARD:

1. Chairman Latuska: Latuska commended the road crew for keeping the roads safe this winter. He is warning drivers in Center Township that obscene gestures or language and reckless driving will not be tolerated by the road crew. They road crew is to make every attempt to get a license plate number which will be turned over to the state police.

Mr. Charles Enright passed away last week. He would walk the Center Township roads picking up litter. His volunteerism set a good example.

Latuska read the following letter from Mr. Gary Goepfert:

"Center Township should contract its winter street/road maintenance to Butler Township. Our streets are muddy, filthy, brown, sloppy messes. The streets in Butler Twp. are clear, clean and free of mud. The snow plowed to the sides of their streets is as white as the day it came down. I toured Butler Twp. streets on the west side of Rt. 8 at Bon Aire several times this week and the only brown mud I saw was on the first part of Teakwood from Rt. 8 which must be in Center Twp. The streets in Center are rivers of mud. Our driveways, garages and vehicles are the dirtiest I have ever seen and I have been driving for 60 years, living 53 of them in Butler County. Cayuga Drive is an embarrassing disgrace.

The stuff spread on our streets is 95% dirt – add a little salt, melt some snow and you get instant mud. I cringe every time I see the plow truck coming with its load of brown dirt.

The mud we have now is only one part of the problem. Once our snow is gone, we have to endure dust storms with every vehicle that passes by, and with every gust of wind. We can't wash the windows of our houses until long after you have run the street sweeper and we have had a few hard rains. I have to run back

into my house when my neighbors come driving by, creating clouds of dust.

Putting up with man-made mud and dust for 5 to 6 months is ridiculous. There are better ways to do winter street maintenance. Get your anti-skid aggregate mix from Butler Twp., or have them do it all."

2. Mr. Dave Johnston, 120 East Main Street, Saxonburg: Mr. Johnson introduced himself as a Butler County Commissioner candidate.
3. Mr. Kris Goas, 5168 McCandless Road: Mr. Goas, President, presented a summary of February 2015 calls received by the Unionville Volunteer Fire Company.

Type of Calls	Number of Calls
Motor vehicle accidents	5
Automatic fire alarms	4
Service calls	4
Structure fires	7
Medicals	5
Brush fires	0
Dive calls	0
Vehicle fires	0
Landing Zone	0
Technical Rescue	0
CO Alarm	1
Haz-Mat	0
Stand By	0

He questioned if the Knox boxes were installed at the Municipal Building and Maintenance Facility.

MINUTES:

1. Agenda Setting Meeting – February 9, 2015: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, February 9, 2015. Frenchak seconded. Motion carried.*
2. Regular Meeting – February 11, 2015: *Frenchak motioned approving the minutes of the Regular Meeting held on Wednesday, February 11, 2015. Latuska seconded. Motion carried.*

TREASURER’S REPORT:

1. February 2015: *Frenchak motioned approving the February 2015 Treasurer’s Report. Erie seconded. Motion carried.*
2. Warrant List 15-02-04: *Latuska motioned approving Warrant List 15-02-04. Erie seconded. Motion carried.*
3. Warrant List 15-03-05: *Latuska motioned approving Warrant List 15-03-05. Frenchak seconded. Motion carried.*

ZONING REPORT: February 2015: Construction costs were \$37,250.00 fees collected were \$3,625.80.

SUBDIVISION & LAND DEVELOPMENTS:

1. Czifra Lot Line Revision No. 2015-02-05, Final, Expires 5/26/2015: Mr. David Czifra proposes removing the lot line between Center Township Maps 060-3F41-29A and 060-3F41-29B, consisting of 9.40 acres (m/l). Butler County Planning had no comments per letter dated Tuesday, February 10, 2015. Township Engineer Olsen's comments are as follows (*Mr. David Czifra comments are italicized*):
 - a. The purpose of the plan is to consolidate two lots into one, which is denoted Lot IRR.
 - b. Lot areas are to be computed excluding areas of road right-of-way, or a modification requested.
 - c. The right-of-way width of T-412 Brown Road is not shown on the plan, but is labeled "R/W varies." The Applicant should verify the width of the existing road right-of-way. As an alternative to investigating and determining the existing road right-of-way, the Applicant may show a dedication of 25' from road centerline, compute acreage to that line, and show front setback from that line. (*will dedicate 25' from road centerline*)

The Planning Commission recommend, contingent on the dedication of twenty-five (25) feet from road centerline, final approval of the Stultz Lot Line Revision No. 2015-02-05. ***Frenchak motioned, contingent on showing the gas line right-of-way and verify that changes were made as stated in letter dated March 7, 2015, granting final approval of the Czifra Lot Line Revision No. 2015-02-05. Smallwood seconded. Motion carried.***

Due to some confusion at time the plan was presented by Mr. Albert Stultz, ***Frenchak motioned to rescind previous motion. Wulff seconded. Motion carried.***

Frenchak motioned, contingent on changing the name to Czifra Lot Line Revision, granting final approval of the Czifra Lot Line Revision No. 2015-02-05. Latuska seconded. Motion carried.

2. First United Methodist Church Land Development No. 2014-11-10, Final, Expires 12/16/2019: Mr. Jonathan Garczewski, The Gateway Engineers, presented. This plan received preliminary approval at the Board of Supervisors meeting held on Wednesday, December 10, ~~2015~~ 2014 (*as corrected 04/08/2015*). The Department of Environmental Protection approved, January 6, 2015, the exemption from the requirement to revise the official plan for new land development. Butler Area Sewer Authority approved the sanitary sewer plan with the following conditions:
 - a. C603, Construction Details: Sewage Force Main Tie-In Detail is incorrect, as the flow direction is reversed. No changes were made to this detail based upon our previous review letter.
 - b. The owner will have to enter into a Grinder Pump Agreement with the Authority. We will furnish the document to the Owner for execution in the near future.

- c. After the Grinder Pump Agreement has been executed, the Owner or his designated representative will have to purchase the required Sanitary Sewer Connection Permit. The Permit will be based upon the ten (10) equivalent dwelling units (edu's) identified in the Sewage Facilities Planning Module Application. Total cost for this Permit will be \$28,150, which includes a Connection Fee of \$150, and In section Fee of \$100, and a Tapping Fee of \$27,900 (10 edu x \$2,790/edu). The Owner or his representative must appear in person at the Authority office to purchase the Permit. This may not be completed through the mail. No work is permitted on any phase of the sanitary sewer lateral until the Permit has been purchased.
- d. All gravity sewers must be pressure tested by the Contractor in the presence of an Authority representative. The test shall be an air test of 5psi held for 15 minutes with no allowable loss.
- e. All pressure sewers/force mains must be pressure tested by the Contractor in the presence of an Authority representative. The test shall be a hydrostatic test at a pressure of 1.5 times the normal working pressure, or 50 pounds above the normal working pressure, whichever is greater, maintained for a 2-hour period.
- f. At the appropriate time, provide at least 48-hours advance notice to the Authority to schedule and coordinate inspection and testing services.

Township Engineer Olsen's comments are as follows (*Mr. Jonathan Garczewski, Gateway Engineers, comments are italicized*):

- a. The proposed use is a conditional permitted use in the C-1 Commercial Zoning District. The Solicitor should be consulted regarding the need for a conditional use hearing and the approval process from the Planning Commission and Board of Supervisors. We recommend that parking and buffering of Shady Lane Farms residential properties to the north will be part of the hearing discussions. (*Comment acknowledged*)
- b. The Post Construction Stormwater Maintenance is consistent with provisions of the Center Township Act 167 Stormwater Management Ordinance. The Applicant is required to enter into an Operation and Management Agreement for stormwater facilities. A copy of the standard agreement form is attached. Certain stormwater management controls are shown on property not currently owned by the Applicant. Property transfers as part of the subdivision I land development must be completed prior to execution of the agreement, and the solicitor may have to modify the standard agreement if separate multiple properties are involved. (*Comment acknowledged*)
- c. The proposed facilities are shown to be served by a proposed private pump station, which will convey sewage to collector lines of the Butler Area Sewer Authority (BASA) located in the Shady Lane Plan of Lots. The system should be designed as approved by the BASA, with odor controls as appropriate. (*The plans and design of the system has been approved by BASA, the approval letter is included with this resubmission*)
- d. Since the facility will be served by public water that will not be affected by normal occasional power outages, the private sewage pump station should be served by a stand-by power system or an oversized sewage holding tank to prevent sewage releases during power outages. (*BASA has approved the plan without a need for a backup power source; the system is capable of holding 900 gallons of sewage. Crossfire has additionally stated that if the power is out of service, there will be no usage of the facility.*)

We recommend Preliminary Approval of the plan, but Final Approval requires the following items being received by the Township from the Applicant:

- a. PaDEP Sewage Facilities Planning Module Approval *(Please find the enclosed approval of the Sewage Exemption for this expansion)*
- b. A letter of service from the Butler Area Sewer Authority *(Please find the enclosed approval from BASA)*
- c. A letter of service from the Pennsylvania American Water Company *(Please find the enclosed serviceability letter from PA American Water)*
- d. A review letter from the Butler County Planning Commission *(Please find the enclosed recommendation for approval from BCPC)*
- e. A letter of approval of an NPDES Permit from the PaDEP *(The NPDES Permit has been submitted to the BCCD, approval will be forwarded once it is received. We have received an administrative complete letter (enclosed) and have received a technical deficiencies letter which we will respond to and resubmit this week.)*
- f. Proof that properties shown as part of this submittal have been properly subdivided and are under the ownership of the Applicant *(The subdivision to include the portion of the Wise property has been completed and was approved at the Board of Supervisors meeting held on Wednesday, February 11, 2015.)*
- g. The execution of the O&M Agreement described in 2 (above) *(To be completed once Final Approval is granted.)*
- h. Performance Security that has been posted by the Applicant, which guarantees 110% of the estimated cost of construction of Stormwater Management Facilities and any other Township-required improvements as determined by the Township Solicitor. The Applicant's engineer must submit estimated construction costs to the Township for approval. *(Please find the enclosed Cost Estimate (\$61,578.00) for bonding of the Stormwater Management Facilities.)*
- i. The verification that Conditional Use has been granted by the Township, and that this approval is beyond the date subject to any appeals of the decision *(The conditional use for the expansion was granted at the December 10, 2014 Supervisors Meeting.)*

After reviewing Mr. Garczewski's comment letter dated February 12, 2015, Township Engineer Olsen provided these comments *(Mr. Jonathan Garczewski, Gateway Engineers, comments are italicized)*:

- a. The Applicant received approval from the Township for a subdivision last month. The Applicant must provide proof that it now owns all properties being developed. If property transfers have not been completed, the Planning Commission may make this a condition for recommendation of approval. *(mylar needs to be recorded)*
- b. There is no provision shown on the drawings for screening residentially-zoned adjacent properties. Most existing trees shown to remain will be on properties not owned by the Applicant. The trees appear to be deciduous and not coniferous. Zoning Ordinance section 20-1501.E.1 states *(will provide adequate screening)*:

Screening and Landscaping: Off-street parking shall be effectively screened on each side which adjoins or faces either a residential or commercial zoned district by an opaque ornamental fence or dense evergreen hedge. Such fence or hedge shall not be less than five feet (5') nor more than six feet (6') in height and shall be maintained at all times in good condition without any advertising thereon. Any space between such fence or hedge and the side lot adjoining premises or the front lot line facing premises in any residential or commercial zoning district shall be landscaped with

lawn, hardy shrubs or evergreen ground cover and maintained in good condition.

- c. The Applicant must enter into an Operation and Maintenance Agreement for Stormwater Facilities that must be recorded in the Butler County Recorder's Office. An O&M Agreement form was given to the Applicant as part of Preliminary Approval.
- d. The letter of Approval of an NPDES Permit from the PaDEP must be received by the Township as a condition to Final Approval. *(received approval per letter dated February 19, 2015)*
- e. Performance Security for Stormwater Management must be posted by the Applicant in the amount of \$61,578 based on the submitted Opinion of Probable Cost of the construction of these facilities.

The Planning Commission recommended, contingent on (1) the property being transferred to First United Methodist Church, (2) provide screening along the residential property, (3) enter into an Operation and Maintenance Agreement for Stormwater Facilities, and (4) providing a Performance Security Bond for Stormwater Management in the amount of \$61,578.00 recommending final approval of the First United Methodist Church Land Development No. 2014-11-10. The Operation and Maintenance Agreement for Stormwater Facilities has been submitted. ***Frenchak motioned, contingent on providing a Performance Security Bond for Stormwater Management in the amount of \$61,578.00 granting final approval of the First United Methodist Church Land Development No. 2014-11-10. Latuska seconded. Motion carried.***

OLD BUSINESS:

1. R E Gas Development LLC Conditional Use Request 2015-01: The Board held a public hearing on Monday, March 9, 2015 to obtain public comment and testimony from the parties involved in the conditional use application filed by R E Gas Development, LLC. ***Latuska motioned approving R E Gas Development LLC Conditional Use request 2015-01. Erie seconded. Frenchak abstained because he was absent from the hearing. Wulff abstained because his property may be affected. Motion carried 3 to 0.***
2. Authorize Ad for Mineral Overlay Amendment: Township Solicitor Gallagher reviewed the current draft of the Mineral Overlay amendment. The Board of Supervisors, based on Township Solicitor Gallagher's recommendation, scheduled a public hearing to obtain public comment and testimony for the Mineral Overlay amendment for Monday, May 11, 2015 at 6:00 p.m. ***Latuska motioned, based on Township Solicitor Gallagher's recommendation, authorizing placement ads in the Butler Eagle editions of Sunday, April 26, 2015 and Sunday, May 3, 2015. Wulff seconded. Motion carried.***
3. Codification of Ordinances: Mr. Jeff Pierce, Olsen and Associates proposes to update the Center Township Codified Ordinances at a cost of \$8,218.93.
4. Uniform Contract: Ms. Jenna Smaldino, UniFirst Uniforms, submitted a proposal for a uniform contract. After contacting current company, Cintas, an automatic renewal clause was not removed. The Township would be required to pay approximately \$2,210.00 to buy out the contract.

5. Ratify Purchase of MIG Welder: The Board authorized Step Up Foreman Brewster to purchase a MIG Welder 256 on February 23, 2015 for \$2,482.64. ***Latuska motioned ratifying the purchase of the MIG Welder 256 on February 23, 2015 for the amount of \$2,482.64. Smallwood seconded. Motion carried.***
6. Ratify Purchase of Shop Tools: The Board authorized Step Up Foreman Brewster to purchase an air gun and hose on February 24, 2015 for \$919.37. ***Latuska motioned ratifying the purchase of an air gun and hose on February 24, 2015 for the amount of \$919.37. Smallwood seconded. Motion carried.***
7. Ratify Purchase of Digital Camera: The Board authorized Step Up Foreman Brewster to purchase a digital camera at their meeting held on Wednesday, February 11, 2015 with the approval of two (2) supervisors. ***Latuska motioned ratifying the purchase of the digital camera for \$199.99. Smallwood seconded. Motion carried.***

NEW BUSINESS:

1. Schedule Conditional Use Hearing For Sheetz: The Board of Supervisors scheduled a public hearing on Monday, April 6, 2015 at 6:00 p.m. for the Sheetz Conditional Use Request No. 2015-02. ***Latuska motioned authorizing the placement of ads in the Butler Eagle editions of Sunday, March 22, 2015 and Sunday, March 29, 2015. Erie seconded. Motion carried.***
2. Schedule Conditional Use Hearing for Cambridge Healthcare Solutions: The Board of Supervisors scheduled a public hearing on Monday, April 6, 2015 immediately following the Sheetz conditional use hearing. for the Cambridge Healthcare Solutions Pa Conditional Use Request No. 2015-03. ***Latuska motioned authorizing the placement ads in the Butler Eagle editions of Sunday, March 22, 2015 and Sunday, March 29, 2015. Erie seconded. Motion carried.***
3. Cell Phone Stipend: Two (2) employees request not to be issued a Township cell phone and receive a stipend to use their personal phones. ***Latuska motioned not to authorize a stipend for the use of personal cell phones, since the Township provides cell phones. Smallwood seconded. Motion carried.***
4. Lease of Property: Wulff was contacted by an individual about leasing the old maintenance building property for storage of equipment and materials. Township Solicitor Gallagher stated the Township would have to follow the bid process.

PUBLIC WORKS DIRECTOR:

1. Purchase of Truck: The Board is considering leasing a 2015 Peterbilt Model 348 4x2 truck for \$144,452.00 (COSTARS Contract Number 025-102) plus installing a Tandem Pump Hydraulic System, Gledhill Custom HFF Heavy Front Frame Plow Hitch, Gledhill QCP Quick Attach System, Plow, and a Model E2020XT Hopper spreader in the amount of \$13,930.00 (COSTARS Contract Number 025-021). Total cost is \$158,382.00. The Board would make a payment in the amount of \$40,000.00 per year for four (4) years and one (1) payment of \$1.00. ***Erie motioned to lease the 2015 Peterbilt Model 348 4x2 in the amount***

of \$144,452.00 (COSTARS Contract Number 025-102) and a Tandem Pump Hydraulic System, Gledhill Custom HFF Heavy Front Frame Plow Hitch, Gledhill QCP Quick Attach System, Plow, and a Model E2020XT Hopper spreader in the amount of \$13,930.00 (COSTARS Contract Number 025-021) per payment schedule of \$40,000.00 for 2016 through 2019 and \$1.00 for 2020. Smallwood seconded. Motion carried.

Latuska motioned authorizing Township Secretary Amendolea with Township Solicitor Gallagher's assistance in preparing the Pennsylvania Small Borrowing documents. Smallwood seconded. Motion carried.

ENGINEER'S REPORT:

1. Henricks Road Leaf Drop Off Entrance: Smallwood asked if Township Engineer Olsen completed the site distance for the leaf drop off entrance. Olsen provided the following information:

" On comparison to the PennDot Formula Sight Distance Table, a car pulling out of the driveway has a maximum sight distance of 290' to the left and 300' to the right to continuously see another vehicle approaching. When a car turns left off of Henricks Road to pull into the driveway, the maximum length of roadway a driver can see the rear of the vehicle position to turn into the driveway is 265', and the maximum length of roadway which the driver pulling into the driveway can see a vehicle approaching from the opposite direction is 315'. At 25 mph, the maximum distances required are 161' for a driver approaching the rear of the vehicle making the left, and 157' for the driver turning left to see the vehicle approaching from the opposite direction. Therefore, if vehicles are traveling at the posted 25 mph speed limit, the sight distance is adequate in both of these directions.

However, by following PennDot guidelines, we estimate that the average driver likely travels around 35 mph, and some at even a faster speed. Sight distance is not adequate for the higher speed vehicles. If the Township wishes to keep using the leaf drop-off driveway, it should be posted "No Left Turn" both in and out.

In answer to Supervisor Smallwood's question at the last Supervisors meeting, the driveway could be moved to the crest of the hill to the South where there is adequate sight distance for making turns both into and from a driveway constructed at this location."

Latuska motioned authorizing Township Solicitor Gallagher, based on Township Engineer Olsen's recommendation, to draft an ordinance authorizing a "No Left Turn" sign into the entrance to the leaf drop-off area. Smallwood seconded. Motion carried.

SOLICITOR'S REPORT

1. Clearview Mall Tax Assessment Confidentiality Agreement: Township Solicitor Gallagher requests two (2) supervisors sign a "Confidentiality Agreement" with Clearview Mall Associates so he is able to provide information concerning the tax appeal between Clearview Mall Associates and the Butler Area School District
2. Blakely Accident Claim: Ms. Alyssa Blakely sustained fatal injuries in a one vehicle accident on State Route 308 on October 19, 2014. Our insurance carrier requests Latuska sign an "Affidavit of No Liability" since this accident was on a State road. *Frenchak motioned, based on Township Solicitor Gallagher's recommendation, authorizing Chairman Latuska to sign the "Affidavit of No Liability". Smallwood seconded. Motion carried.*

3. Train Derailment: Canadian National Railroad had a train derailment on Wednesday, February 25, 2015. The contractors, Hulcher Services, brought in heavy equipment and semi trucks to clear the wreckage. However, the roads were not bonded. ***Latuska motioned to authorize Township Solicitor Gallagher to send letter to (1) Canadian National Railroad informing them of the safety issues and not bonding of the roads and (2) Butler County Emergency Services regarding non-notification of the train derailment on Wednesday, February 25, 2015. Smallwood seconded. Motion carried.***

MISCELLANEOUS:

1. Jamisonville Road Damage: Step Up Foreman Brewster received a call concerning damage to Jamisonville Road from Minich Road to Alpine Lane. Rex Energy will repair with cold patch tomorrow.
2. Employee Emergency Responders: ***Frenchak motioned authorizing employee emergency responders to respond to any incidents deemed necessary without affecting Public Works activity. Latuska seconded. Motion carried.***
3. State Representative Nesbitt: State Representative Nesbitt has not responded to the Township's offer of providing office space.
4. Office Relocation: ***Erie motioned proposes moving the Municipal Office, 419 Sunset Drive, to the Maintenance Facility, 150 Henricks Road. Smallwood seconded.*** After a brief discussion, Latuska opposes without a formal plan, Frenchak opposes without knowing office arrangement, securing the entrance and any associated costs. Wulff will provide information at the next meeting on Wednesday, April 8, 2015. ***Motion dies.***

Wulff motioned to have safe delivered to the Maintenance Facility. Frenchak seconded. Motion carried.

Latuska motioned establishing a committee consisting of Smallwood, Wulff and Township Secretary/Treasurer Amendolea to compile facts, figures and plans to relocate the office and consult with Township Engineer Olsen, as necessary. Frenchak seconded. Motion carried.

ADJOURNMENT:

The meeting adjourned to an executive session to discuss litigation at 8:32 p.m. The meeting reconvened at 8:41 p.m.

Latuska motioned authorizing Township Solicitor Gallagher review the uniform contracts, Cintas and UniFirst Uniforms, and make a recommendation to the Board. Frenchak seconded. Motion carried.

Latuska motioned authorizing Township Secretary/Treasurer Amendolea, based on Township Solicitor Gallagher's recommendation, to write a letter to Cintas terminating the contract. Erie seconded. Motion carried.

The meeting re-adjourned to executive session to discuss personnel and the Clearview Mall Tax Assessment at 8:43 p.m. The meeting reconvened at 9:25 p.m. with no action taken.

Latuska made a motion to adjourn at 9:26 p.m. Erie seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Edward G. Latuska
Chairman

Alan H. Smallwood
Vice Chairman

Andrew Erie
Supervisor

Kenneth J. Frenchak Jr
Supervisor

Phillip B. Wulff
Supervisor