

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
June 10, 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 6:31 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 Vice Chairman Alan Smallwood; Supervisors Andrew Erie, Kenneth Frenchak and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; Step Up Foreman Gregory Brewster; and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD:

1. Mr. Tim Tyler, 107 Shanahan Road: Mr. Tyler requested that speed bumps be placed on Shanahan Road.

MINUTES:

1. Mineral Overlay Amendment Hearing - May 11, 2015: *Latuska motioned approving the minutes of the Mineral Overlay Amendment Hearing held on Monday, May 11, 2015. Erie seconded. Motion carried.*
2. Agenda Setting Meeting – May 11, 2015: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, May 11, 2015. Erie seconded. Motion carried.*
3. Regular Meeting – May 13, 2015: *Latuska motioned approving the minutes of the Regular Meeting held on Wednesday, May 13, 2015. Erie seconded. Motion carried.*

TREASURER’S REPORT:

1. May 2015: *Erie motioned approving the May 2015 Treasurer’s Report. Smallwood seconded. Motion carried.*
2. Warrant List 15-05-10: *Frenchak motioned approving Warrant List 15-05-10. Erie*

seconded. Motion carried.

3. Warrant List 15-06-11: *Erie motioned approving Warrant List 15-06-11. Frenchak seconded. Motion carried.*

ZONING REPORT: May 2015: Construction costs were \$456,458.06 fees collected were \$3,282.66.

SUBDIVISION & LAND DEVELOPMENTS:

1. Rite Aid Land Development No. 2014-11-09, Final, Expires 01/21/2020: The Board of Supervisors granted preliminary approval at their meeting held on Monday, January 5, 2015. On April 22, 2015, the Planning Commission recommended final approval with contingencies. Township Engineer Olsen had the following comments prior to final approval.
 - a. Record the subdivision if it has not already been done. The approved drawing shows proposed easements, including the traffic signal maintenance easement on the property.
 - b. Send the Township a copy of the approved NPDES Permit received from the Pennsylvania Dept. of Environmental Protection (PaDEP) I Butler County Conservation District (BCCD).
 - c. Sign (with notary) the Operations and Maintenance Stormwater management Agreement (previously provided) and record this at the Butler County Courthouse along with exhibits consisting of 11" x 17" size copies of Post Construction Stormwater Management Drawings.
 - d. Prepare a revised Estimate of Construction Costs for Township-required improvements including post construction stormwater management (channels, underground tanks, storm sewers, inlets, restoration of Mennor driveway, earthwork, revegetation, as-built drawings), the retaining wall, clearing and grubbing. The estimate should include the cost of replacing storm sewers under Elise Drive as currently indicated on drawings.

Note: JT Butler should not include estimate costs of Erosion & Sediment Control (E&S) items. These are under the authority of the Butler County Conservation District rather than the Township.
 - e. We had previously requested that JT Butler LLC provide a cost estimate for the traffic signal replacement. This cost estimate should include the new UPS system that Jarrod Crosby of David E. Wooster & Associates (Wooster) acknowledged by email.
 - f. Once cost estimates are approved by our office, JT Butler, LLC must provide Performance Security (such as bond, letter of credit, sequestered account, pass book) in an amount equal to 110% of estimated costs in a form approved by the Township Solicitor for all Township-required improvements, but exclusive of E&S controls and the traffic signal construction.
 - g. JT Butler, LLC must provide documentation to the Township that it has posted a financial guarantee to PennDot for the Route 8 traffic signal replacement. We confirmed with PennDot and with Wooster that a letter of credit will be posted directly to PennDot in the amount of 120% of estimated construction cost. The letter of credit, reduced to 20%, will also guarantee maintenance of materials and workmanship for at least two years
 - h. JT Butler LLC should provide one copy of the Temporary Highway Occupancy Permit to the Township once it is approved by PennDot. Last night, the Board authorized its Chairman to sign this HOP drawing as required by PennDot. JT Butler LLC should deliver this original drawing to

the Township for signatures.

- i. At this point in time, project drawings indicate that JT Butler LLC will be replacing the off-site storm sewers system along and across Elise Drive. If the Board wishes to negotiate this, perhaps providing materials, installation or both, please let me know. Otherwise, it will be assumed that the Developer will supply and install all materials.
- j. Unless other arrangements have been made, it is our understanding that the pending NPDES Permit will authorize all JT Butler LLC land disturbance activities on the site and that Rite Aid and Sheetz will file for a revision or modification to the permit. The PCSM plan that has been submitted by JT Butler as part of the NPDES application 1) controls water runoff volume, 2) peak rate of discharge, and 3) water quality from the finished Rite Aid and Sheetz sites. It appears to us that since Rite Aid is using the same contractor as JT Butler LLC, and work will be done concurrently, it would be very easy for Rite Aid to finalize E&S drawings for its proposed earth disturbance activities (perhaps installing silt sacks in new inlets) and filing these drawings concurrently or as part of the JT Butler LLC NPDES application. Rite Aid could become a co-permittee and the contractor would also sign as a co-permittee. JT Butler LLC and Rite Aid may wish to discuss these concepts with the BCCD.
- k. It is our understanding that the HOP for the new traffic signal is being submitted in the name of JT Butler LLC. As the signal maintenance period is coming to an end, JT Butler should provide Permit Transfer forms to the Township so that the Township becomes the Owner and is responsible for maintenance. The Township will also at this time adopt the traffic signal O&M easement within the Sheetz and Rite Aid site that has been dedicated to the Township as part of the JT Butler LLC subdivision plan. The Township will continue to pay for electric service to the intersection as it is currently. We suggest that until the traffic signal is maintained exclusively by the Township, JT Butler authorize the Township to retain its normal traffic signal maintenance company for any emergency services necessary on the new traffic signal with the provision that JT Butler will reimburse the Township for these services.
- l. We suggest that the Township request the Solicitor to prepare a Developer's Agreement to formalize any of these issues that he deems important so that there is no misunderstanding of responsibilities between the two parties.

Township Engineer Olsen recommends Rite Aid submit an application for final approval since J T Butler, property owner, has not completed the required contingencies.

Latuska motioned authorizing a letter sent to the Butler Conservation District requesting approval of the NPDES permit as soon as possible. Smallwood seconded. Motion carried.

Latuska motioned, based on Township Engineer Olsen's recommendation, tabling the Rite Aid Land Development No. 2014-11-09 until application for final approval is received. Erie seconded. Motion carried.

2. Starcher Minor Subdivision No. 2015-05-11, Final, Expires 8/24/2015: Mr. Jonathan Garczewski presented. Mr. and Mrs. David Starcher proposes subdividing 2.23 acres (m/l) from Butler Township Map 056-5-D19 conveying to Butler Township Map 056-5-4. Subdivision is entirely in Butler Township but property extends into Center Township. Butler County Planning Commission had no comments per letter dated May 12, 2015. Township Engineer Olsen had the following comments:

- a. David and Heather Starcher are subdividing their 139.39 acre property to create a 2.23 acre parcel, which is to be conveyed by deed and become a part of lands of Foothold LP. It appears from the

submission that part of parking lots of Foothold LP are currently built on the Starcher property.

- b. The parcel to be conveyed is within Butler Township but about 1A of the Starcher remnant will remain in Center Township but continue to be assessed in Butler Township (where the Starcher house is located). It does not appear that the Starcher parcel has frontage on a public street, but has access to Mercer Road via what appears to be two private rights-of-way (Bradmoor Lane and Shenck Lane).
- c. In the future, if the Starcher property is further subdivided or developed, public road access to the Starcher remnant may become an important issue. We suggest that this issue be recommended to be addressed by Butler Township as part of Butler Township's review, perhaps by investigating the feasibility of the Starcher's being given the legal ability to convert one or both of the private lanes to public roads. We are uncertain if Foothold LP has any rights to these lanes that are transferable.
- d. Since the Starcher home is within Butler Township, Center Township does not have jurisdictional concern for any sewage issues regarding existing on-lot sewage treatment for the Starcher home.

The Planning Commission recommended, based on Township Engineer Olsen's recommendation, granting final approval of the Starcher Minor Subdivision No. 2015-05-11

Latuska motioned, due to lack of representation, tabling the Starcher Minor Subdivision No. 2015-05-11. Small wood seconded. Motion carried.

3. Douthett Minor Subdivision No. 2015-05-10, Final, Expires 08/24/2015: ***Latuska motioned requesting Ms. Sherry Douthett present a letter declaring the building as an agricultural structure and if property is sold, building will be razed. Erie seconded. Motion carried.***

OLD BUSINESS:

1. Equipment/Operator Contract: At the Regular Meeting held on Wednesday, May 13, 2015, the Board authorized advertising for a tri-axle, excavator, skid steer, dozer, and operator on a hourly basis. However, no specifications for equipment were provided. Township Secretary/Treasurer Amendolea will contact local contractors for a list of equipment and hourly rate to be on file with the Township.
2. Truck Lease Borrowing Resolution No. 2015-06-08: The Board is 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 \$28,031.00 per year for five (5) years and one (1) payment of \$1.00.

Erie stated he did not want to finance.

Frenchak stated Township should lease due to the current budget.

Smallwood agreed with Frenchak.

Latuska motioned approving the Truck Lease Borrowing Resolution No. 2015-06-08 and make a down payment of \$33,382.00 to Hunter's Truck Sales and Services Inc. Smallwood seconded. Motion carried.

3. Compadres Liquor License Resolution No. 2015-06-09: The Board held a Public Hearing on Monday, June 8, 2015 to obtain comment on a request by Compadres Grill V, Corporation to engage in the intermunicipal transfer of a liquor license to the Clearview Mall for the purpose of opening a Compadres Mexican Restaurant at the Clearview Mall. Compadres will pay all expenses for the hearing. **Latuska motioned adopting the Compadres Liquor License Resolution No. 2015-06-09. Frenchak seconded. Motion carried.**

4. McDonald's Stormwater Facility: At time of purchase of the property from Mac Properties, the Board agreed to fill in a portion of the McDonald's stormwater retention facility at 1667 North Main Street Extension (Center Township Map 060-S4-13). **Latuska motioned authorizing Township Engineer Olsen to survey McDonald's stormwater facility. Smallwood seconded. Motion carried.**

5. Office Relocation: Wulff stated the building meets the American Disability Act, could have a secure entrance, is fire protected, has emergency power, better access for vendors, closer to employees and is not being used to its potential. He presented the requested costs for relocating the office to the Maintenance Facility at 150 Henricks Road.

Office Area	
Phone/Data	\$900.00
Entry Area	\$2,500.00
Install Door (Laundry Room)	\$700.00
Moving	\$1,400.00
Total	\$5,500.00
Meeting Room	
Walls, Ceiling, Lights, Carpet, Drain, Fan, HVAC, Sprinklers, Electrical	\$13,700.00 - \$16,700.00
Fence and Gate	\$10,000.00

Frenchak stated the original plan include the municipal office. If approved, a cost ceiling should be placed on the motion.

Latuska stated the current office has not been challenged by the American Disabilities Act. The Township would be forced to comply with the American Disabilities Act. He is considering the cost to the Township. If office is relocated, he favor using the Unionville Volunteer Fire Company building for meetings.

Smallwood stated individuals who are or may become disabled are unable to attend.

Erie stated he wants own meeting room. Township Secretary/Treasurer Amendolea would have to travel to Unionville Fire Hall for all meetings.

Erie motioned authorizing the relocation of the office at \$5,500.00, build a meeting room at \$16,700.00 with a ceiling cost of \$25,000.00. Motion died for lack of a second.

Wulff motioned authorizing the relocation of the office (Phase I, Office Area) with a ceiling cost of \$10,000.00. Smallwood seconded.

Latuska	Aye
Frenchak	Nay
Erie	Aye
Wulff	Aye
Smallwood	Aye

Motion carried 4 to 1.

- Gerstner's Stormwater Complaint: Smallwood, Erie and Olsen met at the Gerstner's property at 442 Holyoke Road to view the stormwater damage caused by the neighbor's drain system which is illegally connected to the Township drainage system on Friday, May 29, 2015. Township Engineer recommended a 45 degree elbow should be placed on the end of the existing pipe. He sent a letter to each property owner stating the Township has no involvement.

NEW BUSINESS:

- Request for Stop Sign: Mr. DeWayne Croll, 111 Roads End Lane, requests a stop sign be placed at the intersection of Holyoke Road (T-496) and Roads End Lane for westbound traffic. A traffic study is required. Smallwood stated that the location of the requested stop sign would be more hazardous.
- Butler Transit Authority Resolution No. 2015-06-10: The Butler Transit Authority operates a bus to Clearview Mall. In order to receive matching State funding, Center Township must adopt a resolution. **Latuska motioned adopting the Butler Transit Authority Resolution No. 2015-06-10. Smallwood seconded. Motion carried.**
- Release Consultant Fees: Township Secretary/Treasurer Amendolea recommends releasing the following consultant fees.

Development	Type	Approval	Instrument Number
Saul	Minor	2/11/2015	201503030004292
Czifra	Lot Line	3/11/2015	201503270006280

Latuska motioned, based on Township Secretary/Treasurer Amendolea's recommendation, authorizing the release of the consultant fees. Erie seconded. Motion carried.

- Radio Upgrade: Wulff presented options to upgrade the radios. The Township could purchase radios and update the repeater system and place an antenna on the water tower. Another option is purchase the radios and pay a monthly service fee to use Staley

Communication repeater system which would provide coverage for Butler County. The radios are being tested by the office and the Step Up Foreman.

PUBLIC WORKS DIRECTOR:

1. Award Contract for Aggregate: The Township received the following bids:

Company	Bid Bond	PRICE PER TON In Place	Total Bid
M&M Limestone 215 Nichola Road Worthington, PA 16262-4303	Yes	#2A Modified Limestone - \$17.73 #2B Gravel - \$30.48 #3 Limestone - \$18.23 #4 Rip Rap - \$22.48 #5 Rip Rap - \$23.17	\$33,024.00
Allegheny Mineral Corporation PO Box 1022 Kittanning, PA 16201-1022	Yes	#2A Modified Limestone - \$18.58« #2B Gravel - \$0.00 #3 Limestone - \$20.06 #4 Rip Rap - \$21.80 #5 Rip Rap - \$37.50	\$32,515.00
Brady's Bend Corporation 209 Cove Run Road East Brady, PA 16028-3131	Yes	#2A Modified Limestone - \$18.45 #2B Gravel - \$0.00 #3 Limestone - \$19.00 #4 Rip Rap - \$0.00 #5 Rip Rap - \$0.00	\$27,950.00
Glacial Sand & Gravel Company PO Box 1022 Kittanning, PA 16201-1022	Yes	#2A Modified Limestone - \$0.00 #2B Gravel - \$18.20 #3 Limestone - \$0.00 #4 Rip Rap - \$0.00 #5 Rip Rap - \$0.00	\$1,710.80

Latuska motioned awarding the 2015 Aggregate Contract to Glacial Sand and Gravel Company for 94 tons (m/l) of #2B Gravel at \$18.20 per ton. Smallwood seconded. Motion carried.

Latuska motioned awarding the 2015 Aggregate Contract to M & M Limestone for 500 ton (m/l) of #3 Limestone at \$18.23 per ton. Erie seconded. Motion carried.

Latuska motioned awarding the 2015 Aggregate Contract to Allegheny Mineral Corporation for 100 tons (m/l) of #4 Rip Rap at \$21.80 per ton. Wulff seconded. Motion carried.

Latuska motioned awarding the 2015 Aggregate Contract to M & M Limestone for 46 ton (m/l) of #5 Rip Rap at \$23.17 per ton. Erie seconded. Motion carried.

Latuska motioned awarding the 2015 Aggregate Contract to M & M Limestone for 1,000 tons (m/l) of #2A Modified Limestone at 17.73 per ton. Wulff seconded. Motion carried.

2. Release Omega Logging Inc Road Bond: Omega Logging Inc completed their logging operation on Sunset Drive (T-442) and requests release of their road bond. *Latuska*

motioned, based on Step Up Foreman Brewster's recommendation, releasing Omega Logging Inc road bond in the amount of \$10,000.00. Smallwood seconded. Motion carried.

3. Repair Signal Loops and Pedestrian Push Buttons: Bronder Technical Services submitted an estimate of \$4,345.91 to repair the loop sensor and reset junction box at State Route 308 and Sunset Drive and the loop sensor at State Route 8 and Mercer Road. In addition, the pedestrian push buttons at State Route 8 and South Benbrook will stick which interferes with the timing. The estimate to repair is \$1,377.34. ***Latuska motioned authorizing the repair of the six (6) pedestrian push buttons at State Route 8 and South Benbrook Road in the amount of \$1,377.34 Erie seconded. Motion carried.***

Latuska motioned authorizing the replacement of the loop sensor and reset the junction box at State Route 308 and Sunset Drive and the loop sensor at State Route 8 and Mercer Road in the amount of \$4,345.91. Erie seconded. Motion carried.

4. Part Time Employee for Mowing Operations: Smallwood suggested hiring a part time employee to mow the rights-of-way on an as needed basis. After a brief discussion, ***Latuska motioned authorizing the advertising for a part time employee. Frenchak seconded. Motion carried.***
5. Priority List - Summer 2015: Step Up Foreman Brewster presented a priority list to be completed this summer. The projects are:

Project	Type of Work
Mercer Road	Two (2) catch basins, 60 feet of pipe, prepare for paving
Pal Mar Drive	Base repair for paving
Elise Drive	Two (2) catch basins, pipe and stone
Sunset Drive	Three (3) catch basins 200 feet of pipe, install curb from Hair Follicles and Kerr's warehouse
Various locations	Four (4) driveway pipes
Holyoke Road	Complete form new pipe to road
Henricks Road	Ditch and curb on 90 degree curve
Pinehurst Road	Repair bridge
Glenwood Way	Replace pipe

6. South Benbrook Road/West Brewster Road: Tree needs trimmed back to increase sight distance to the south. Property owner will be notified to trim tree or the Township will trim and place a lien on the property.

ENGINEER'S REPORT:

1. Westwood Manor III Drainage: Erie, Step Up Foremen Brewster and Mr. Dick Knapko inspected Cornell Drive to repave. However, Mr. Knapko stated the storm sewers needed replaced prior to paving. Township Engineer Olsen stated he would inspect the storm sewers.
2. Planned Residential Development: Mr. George Aubrey attended the Planning Commission meeting on Wednesday, May 27, 2015 and the Board of Supervisors Agenda Setting meeting

on Monday, June 8, 2015. He requests the Township consider reducing the density in the R-2, Multi-Family Residential District to allow for Planned Residential Development. Township Engineer Olsen recommends the Board consider Planned Residential Developments.

3. Cypher's Stormwater Complaint: On Sunday, May 31, 2015, Dr. Ronald Cypher received stormwater from Sunset Drive. Storm drains were clogged during a heavy downpour. Smallwood noticed a pipe was broken on his property which caused the debris to spread on his property. Dr. Cypher offered to purchase the necessary pipe if the Township would install the pipe and remove the debris from the storm. Township Engineer Olsen recommends replacing the storm sewer system to prevent stormwater from crossing Sunset Drive (T-442). ***Smallwood motioned authorizing Township Engineer Olsen to engineer the Sunset Drive (T-442) storm sewer system. Latuska seconded. Motion carried.***

SOLICITOR'S REPORT:

1. PEMA Pass Through Grant: Township Solicitor Gallagher was contacted by Mr. Thomas Hughes, PEMA, to discuss a grant program available through Pennsylvania Emergency Management Agency or Federal Emergency Management Agency. Mr. Vicario will be required to place ten (10) percent of the costs to elevate the dwelling in an escrow account held by Center Township. Mr. Vicario must pay associated engineering costs upfront. Randy Brown, Emergency Management Coordinator, stated a project manager is required. ***Latuska motioned authorizing himself to sign the Letter of Interest to begin the application process. Smallwood seconded. Motion carried.***

MISCELLANEOUS: None

ADJOURNMENT:

The meeting adjourned to an executive session at 9:40 p.m. to discuss personnel and litigation. The meeting reconvened at 10:20 p.m. with the following action taken:

Latuska motioned not to accept Dr. Ronald Cypher's offer to purchase the pipe if the Township would install and remove the debris from the storm. Smallwood seconded. Motion carried.

Frenchak made a motion to adjourn at 9:44 p.m. Erie seconded. Motion carried.

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