

Board of Supervisors:
Edward Latuska, Chairman
Alan Smallwood, Vice Chairman
, 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
November 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 6:30 p.m. The meeting was held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001.

ROLL CALL:

In addition to Chairman Latuska, present were Vice Chairman Smallwood; Supervisors Kenneth Frenchak, via telephone, and Philip Wulff; Township Solicitor Michael Gallagher; Township Engineer Ronald Olsen and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD: None

MINUTES:

1. Belmont II Liquor License Hearing - October 13, 2015: *Latuska motioned approving the minutes of the Belmont II Liquor License Hearing held on Tuesday, October 13, 2015. Smallwood seconded. Motion carried.*
2. Budget Workshop - October 13, 2015: *Latuska motioned approving the minutes of the Budget Workshop held on Tuesday, October 13, 2015. Smallwood seconded. Motion carried.*
3. Agenda Setting Meeting – October 13, 2015: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on Tuesday, October 13, 2015. Wulff seconded. Motion carried.*
4. Regular Meeting – October 14, 2015: *Latuska motioned correcting, Public Works, Item 1, October 7, 2014 should read "October 7, 2015" the minutes of the Regular Meeting held on Wednesday, October 14, 2015. Wulff seconded. Motion carried.*
5. Vacancy Appointment Meeting - October 20, 2015: *Latuska motioned approving the minutes of the Vacancy Appointment Meeting held on Tuesday, October 20, 2015. Smallwood seconded. Motion carried.*

TREASURER'S REPORT:

1. October 2015: *Latuska motioned approving the October 2015 Treasurer's Report. Wulff seconded. Motion carried.*
2. Warrant List 15-10-20: *Latuska motioned approving Warrant List 15-10-20. Wulff seconded. Motion carried.*
3. Warrant List 15-11-21: *Latuska motioned approving Warrant List 15-11-21. Smallwood seconded. Motion carried.*
4. Ratify Debt Payment: The required principal payment for 2015 is \$112,000.00 and interest is \$9,313.49 per loan agreement. Township Secretary/Treasurer Amendolea prepared a payment of \$186,313.49 which included \$112,000.00 with an additional \$65,000.00 on the principal and \$9,313.49 interest. *Latuska motioned approving the additional principal payment of \$65,000.00. Wulff seconded. Motion carried.*
5. Authorize Ad for 2016 Proposed Budget: The Board of Supervisors reviewed the 2016 proposed budget at their workshop meetings held on Tuesday, October 13, 2015 and Monday, November 9, 2015. The 2016 budget reflects a balanced budget of \$1,913,300 in revenues and expenditures, with no tax increase. The Board will consider adopting the budget at their regular meeting scheduled for Wednesday, December 9, 2015 at 6:30 p.m. The budget will be available for public review at the Township office or the website. *Latuska motioned authorizing the advertisement of the 2016 Proposed Budget in the Butler Eagle edition on Thursday, November 19, 2015. Wulff seconded. Motion carried.*

ZONING REPORT: October 2015: Construction costs were \$414,893.00 fees collected were \$2,929.48.

SUBDIVISION & LAND DEVELOPMENTS:

1. EM/Neave Lot Line Revision No. 2015-10-17, Final, Expires 1/22/2016: Ms. Nancy Neave presented. Mr. Mansfield proposes conveying .25 acres (m/l) from Center Township Map 060-2F61-32C to Center Township Map 060-2F61-32 to ensure existing septic system is on the property owned by Mr. and Mrs. Thomas F. Tuite. Butler County Planning Commission had no comments per review letter dated October 30, 2015. Township Engineer Olsen had the following comments:
 - a. The purpose of the plan is to make an adjustment in the property lines between the two involved lots so that an existing sand mound currently serving Nancy Neave will be within the property boundary of this lot.
 - b. The existing house of Neave should be denoted as "non-conforming structure."
 - c. The two owners of the properties are reminded that deeds must be prepared for Lot 1A, Lot 2A and Lot 2B, and these parcels must be conveyed to respective parties.
 - d. The drawing should contain a note that states that Lots 1A, 2A and 2B will be combined with and become part of Lot 1 and Lot 2.

The Planning Commission recommended, contingent on (1) existing house be denoted as "non-conforming structure" and (2) receipt of Butler County Planning Commission's review letter, granting final approval of the EM/Neave Lot Line Revision No. 2015-10-17. ***Latuska motioned, contingent on the existing house of Neave be noted as "non-conforming structure", granting final approval to the EM/Neave Lot Line Revision No. 2015-10-17. Smallwood seconded. Motion carried.***

2. J T Butler Land Development Modification No. 2015-01-03, Final, Expires, 1/22/2016: Mr. John Heyl presented. J T Butler submitted a modification to the original land development, approved by the Board of Supervisors at their meeting held on Wednesday, April 8, 2015, to accommodate the stormwater runoff required by the Butler County Conservation District. Township Engineer Olsen comments are (*Mr. Heyl's comments are italicized*):
 - a. Revise the "Rite Aid Plan of Subdivision," dated October, 2015, to better show that lot lines of former Tax Map Parcel 60-S2-CAB are being deleted and record the subdivision drawing. The approved drawing must show the new lot consolidation, proposed easements, and include the traffic signal maintenance easement being dedicated to Center Township. (*The revised Subdivision Plan includes the proposed traffic signal easement. In addition a drainage easement has been provided across Lot No.1 to facilitate conveyance of runoff to the stormwater detention basin.*)
 - 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). (*The Butler County Conservation District is in the process of reviewing the NPDES permit application. A copy of the PADEP NPDES permit will be provided to the Township upon receipt.*)
 - c. Both JT Butler and Rite Aid must separately sign (with notary) an Operations and Maintenance Stormwater management Agreement (previously provided) and record these at the Butler County Courthouse along with exhibits consisting of 11" x 17" size copies of Post Construction Stormwater Management Drawings. (*Noted, the developer will execute the Operations and Maintenance Stormwater management Agreement upon final approval of the Development by the Township.*)
 - d. A copy of the private storm sewer easement through lands of Phillip B. Mennor and Donna L. Mennor should be provided to the Township by JT Butler (Chapter 14, Section 14-403.f). (*The developer is in the process of getting the storm sewer easement recorded. A copy of the recorded easement shall be provided to the Township upon receipt.*)
 - e. JT Butler must submit a geotechnical report certifying that the proposed 1 vertical to 1 horizontal slope will be stable. (*The geotechnical Investigation report prepared by ACA Engineering provided recommendations for reinforced earth slopes. The reinforced slope will be contracted as a design build contract. The Developer will provide a reinforced earth slope design, sealed by a registered professional engineer, to the township for review prior to the start of the wall construction.*)
 - f. JT Butler must prepare a revised Estimate of Construction Costs for Township required improvements including post construction stormwater management (channels, detention basin, storm sewers, inlets, restoration of Mennor driveway, earthwork, revegetation, as-built drawings), the 1:1 slope 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 in its cost estimate. These are under the authority of the Butler County Conservation District rather than the Township. (*An estimate of probable construction cost has been include with this submission.*)

- g. We had previously requested that JT Butler LLC provide a cost estimate for the traffic signal replacement, which we are uncertain if this must be revised. This cost estimate should include the new UPS system that Jarrod Crosby of David E. Wooster & Associates (Wooster) acknowledged by email. *(The developer will provide a copy of the bonding information that has been prepared as part of the PennDot HOP permit to the Township under separate cover.)*
- h. Once cost estimates are submitted and 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). *(The developer shall post the necessary bonds prior to construction once final approval is granted.)*
- i. 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 by JT Butler directly to PennDot in the amount of 115% of estimated construction cost. PennDot will also require a financial guarantee of maintenance of materials and workmanship for at least two years. *(The developer will provide a copy of the bonding information that has been prepared as part of the PennDot HOP permit to the Township under separate cover.)*
- j. JT Butler LLC should provide one copy of the Temporary Highway Occupancy Permit to the Township once it is approved by PennDot. The Board has already 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, unless this has already been done. *(Noted. The developer shall provide the Township with the HOP documents once they have been issued by the Department.)*
- k. Project drawings indicate that JT Butler LLC will be replacing the off-site storm sewers system along and across Elise Drive. It will be assumed that the Developer will supply and install all materials unless this is further negotiated by the parties. *(Noted.)*
- l. 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 for their own storm sewer work necessary to convey water to the detention basin. 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 may be that Rite Aid is using the same site work contractor as JT Butler LLC, and work will be done concurrently, it could be very easy for Rite Aid to finalize E&S drawings for its own proposed earth disturbance activities 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. It is our understanding that the BCCD has scheduled a pre-application meeting that will be attended by both of these parties. *(A meeting was held with the BCCD. Both Sheetz and Rite Aid will be Co-Permittees to the NPDES permit issued by the BCCD. Sheetz and Rite Aid will submit minor modifications to the NPDES permit to address the installation of additional storm sewers and inlet filters as discussed with BCCD.)*
- m. It is our understanding that the HOP for the new traffic signal is being submitted in the name of Center Township. The Township will adopt the traffic signal O&M easement within the Sheetz and Rite Aid site if the easement has been dedicated to the Township as part of the revised JT Butler LLC subdivision I lot consolidation plan. The Township will continue to pay for electric service to the intersection as it is currently. We suggest that 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 any faulty materials or workmanship. This provision can be part of a Developer's Agreement. *(Noted.)*

- n. 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 JT Butler and the Township. *(Noted.)*
- o. Rite Aid and Sheetz have granted review time extensions to the Township. We suggest that their approvals follow that of JT Butler. *(Noted.)*

Township Engineer Olsen, per letter dated November 9, 2015, reviewed Mr. Heyl's comments which are:

- a. The lot lines of land now or formerly Natili must be shown on the subdivision plan and labeled as "to be extinguished." This Natili lot will be consolidated into the lot that Rite Aid will be buying. The traffic signal easement should be labeled "dedicated to Center Township."
- b. Regarding the NPDES Permit, I verified with the PaDEP that Center Township can give final approval of the Land Development plan without receiving a copy of the permit. The Township is not to issue a building permit for the project until the NPDES Permit is issued by the PaDEP I Conservation District.
- c. The Township can give final approval to the Plan conditioned on execution of the Stormwater Management Operation and Maintenance Agreement.
- d. The Applicant has stated that the Stormwater Drainage Easement through property of Mennor is in the process of being recorded. The easement must be recorded prior to the Township's granting Final Approval.

Exception : If the Solicitor verifies that the easement has been granted by Mennor to J.T. Butler, the Township may grant Final Approval conditioned on the recording of the easement.

- e. Regarding the 1:1 reinforced earth slopes, the Applicant has stated that these will be contracted as a design/build project with the design to be certified by a registered professional engineer prior to construction. We therefore declare the reinforced earth slopes to meet the definition of a "wall structure" per the Unified Construction Code, and the Applicant will be required to apply for a Building Permit for this wall independently from the Land Development Application. A copy of this letter should be provided to John Nath, Township Building Permit Officer, to assure future compliance.

If, as suggested, the wall structure is moved to a Building Permit issue, the Land Development approval can be made without having the wall be part of the Land Development approval process.

- f. J.T. Butler has submitted a revised Estimate of Construction Costs for Post Construction Stormwater Management Controls. It must be revised to include the cost of Elise Drive saw-cutting and pavement restoration. It should also include a cost for a rock riprap stilling apron or basin at its Elise Drive discharge point.

The Applicant has not submitted a cost estimate for project earthwork and wishes to discuss this issue with the Supervisors and Solicitor at the Supervisors meeting.

- g. We have reviewed a copy of the cost estimate for public improvements (traffic signal) and it is acceptable.
- h. Performance Security in the amount of 110% of Township required improvements (as addressed in comment 6 above) must be posted to the Township by the Applicant within 90 days of receiving Final Approval. Otherwise, the Final Approval shall be considered null and void.

- i. As a condition of condition of Final Approval, the Township requires that Performance Security for public improvements (Traffic Signal work) be posted to the Township or to PaDOT within 90 days of Final Approval. Otherwise, the Final Approval shall be considered null and void.
- j. The issuance of a PaDOT Highway Occupancy Permit for this project is a "3rd Party Approval" that will not affect the Township's acting upon Final Approval of this Land Development. A statement has been affixed to the subdivision plan that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, No. 428) known as the "State Highway Law" before driveway access to a state highway is permitted. This satisfies the Township's administrative obligations.
- k. The plans that have been submitted to the Township show that J.T. Butler will be installing a new storm sewer across Elise Drive. This has been acknowledged by the Applicant.
- l. The response letter states that Sheetz and Rite Aid will be Co-Permittees to the J.T. Butler NPDES Permit. This is acceptable.
- m. Traffic signal maintenance is proposed to be by the Township with the provision that J.T. Butler will reimburse the Township for any correction of faulty materials or workmanship during the PaDOT-required 2 year maintenance period. This provision should be made part of the Developer's Agreement.
- n. The Applicant agreed that a Developer's Agreement will be prepared by the Solicitor to formalize any of the issues addressed in this letter as well as our letter dated October 26, 2015.
- o. Rite Aid and Sheetz have independently granted time extensions for their Land Development submissions, which are dependent on the J.T. Butler submission being resolved.

The Planning Commission recommended, contingent on the completion of the abovementioned Township Engineer Olsen's letter dated October 26, 2015, granting final approval of the J T Butler Land Development No. 2015-01-03.

Frenchak motioned, contingent on Item a. of the Township Engineer Olsen's letter dated November 9, 2015, granting final approval of the lot line revision portion of the J T Butler Land Development No. 2015-01-03. Latuska seconded. Motion carried.

Latuska motioned, contingent on Items c,d,e,f and n of the Township Engineer Olsen's letter dated November 9, 2015, granting preliminary approval of the J T Butler Land Development Modification No. 2015-01-03. Smallwood seconded. Motion carried.

- 3. Sheetz Land Development Modification No. 2015-06-13, Final, Expires 12/22/2015: Mr. David Mastrosfefano presented. He provided a brief overview of the project. Due to preliminary approval of the J T Butler Land Development Modification No. 2015-01-03, the Board took no action.
- 4. Rite Aid Land Development No. 2015-06-14, Final, Expires 12/17/2015: Due to preliminary approval of the J T Butler Land Development Modification No. 2015-01-03, the Board took no action.

OLD BUSINESS:

1. Purchase Alcohol/Drug Test Swabs: Township Solicitor Gallagher provided an opinion of using Alcohol/Drug test swabs in house which he had no objection except for (1) when CDL testing is required and (2) in all cases involving third parties. After a brief discussion, Kristopher Goas stated he would inquire labs to verify length of time for test results.

NEW BUSINESS:

1. Herritt Sewage Facilities Planning Module Resolution No. 2015-11-15: Mr. Dennis Herritt has a failing system at 361 Henricks Road which requires repair. ***Latuska motioned adopting the Herritt Sewage Facilities Planning Module No. 2015-11-15. Wulff seconded. Motion carried.***
2. Request for Traffic Control on Brown Road (T-412): Mr. Albert Stultz submitted a letter complaining about the speed on Brown Road (T-412). ***Latuska motioned authorizing Township Secretary/Treasurer Amendolea send a letter to the Pennsylvania State Police requesting increasing surveillance on Brown Road (T-412). Smallwood seconded. Motion carried.***
3. Award Bid for Township Municipal Office: With the office moved to 150 Henricks Road, the Board authorized the sale of the old municipal building. The following bid was received:

Name	Total Bid
Gregory L. Green	\$30,000

Latuska motioned to reject the bid received from Mr. Gregory L Green in the amount of \$30,000.00. Smallwood seconded. Motion carried.

Latuska motioned authorizing placing an ad in the Butler Eagle to rebid the sale of the Municipal Office located at 419 Sunset Drive. Smallwood seconded. Motion carried.

4. Waive Insurance Probationary Period: Supervisor Frenchak was appointed to complete Supervisor Erie's vacancy until 2017. Frenchak requests to be placed on the Township's insurance policies. Since there is a ninety (90) day probationary period, the Board is required to waive the probationary period for Frenchak to be added to the insurance policies on December 1, 2015. Step Up Foreman Brewster requested the Board consider not waiving the probationary period. ***Latuska motioned to provide immediate health insurance benefits to all Supervisors pursuant to the Second Class Township Code, and based upon the written opinion of our Solicitor dated November 10, 2015, which shall be public record, which opines that to do so is not discriminatory. Smallwood seconded.***

Latuska	Aye
Smallwood	Aye
Wulff	Nay
Frenchak	Abstained

Motion failed since there was not a majority vote.

Frenchak left the meeting at 8:32 p.m.

5. Maintenance Facility Heating System: On October 15, 2015 and October 16, 2015, JB Mechanical was in the Maintenance Facility to repair heating system. However, the system was not repaired. On Monday, November 9, 2015, the heating system failed. Wulff contacted Kenneth McDonald to check the system. They found two couplers that needed repaired. Wulff will review the invoice from JB Mechanical for discrepancies. ***Latuska motioned authorizing Township Secretary/Treasurer Amendolea to send a letter disputing the invoice and to discontinue the maintenance contract with JB Mechanical. Latuska motioned authorizing Wulff to utilize Kenneth McDonald to service the system not to exceed \$2,500. Smallwood seconded. Motion carried.***
6. Family Life Ministries: Latuska read the following letter from Pastor Robert Hile Jr:

"We would like to take this opportunity to express our heartfelt gratitude for your ongoing support of the food pantry ministry here in Center Twp. Your act of love through your generous support helped us serve 576 families consisting of over 1200 family members (a month by month tally is enclosed) this past year, and helped provide our church the opportunity to express the love of Christ in a tangible way right in our own community! The smiles on their faces and the tears of gratitude from those we serve make it all worthwhile and it is only possible because people (like you) care enough to help us.

Please feel free to contact us in the future, if you have any questions regarding the pantry or how it is operated. Also know that we continue to pray for your families, and trust that you will continue to allow God to be a part of your life and all you do. Our prayer is that you develop your own personal relationship with Jesus Christ and that your life in Him be as joyous and prosperous as His word promises to those who are believers. Again let me say "thank you" for your caring generosity, I speak blessings over your families and pray your needs be met through the riches of God's amazing grace."

PUBLIC WORKS:

1. Authorize Ad for Antiskid: Step Up Foreman Brewster requests advertising for 3,000 tons of Type AS-3 antiskid. The antiskid will be mixed 50/50 with the road salt. ***Latuska motioned authorizing placement of ads in the Butler Eagle editions of Friday, November 20, 2015 and Wednesday, November 25, 2015 for 3,000 tons of antiskid Type AS-3. Wulff seconded. Motion carried.***
2. Harvey Stormwater Retention Pond Drain: Step Up Foreman stated that the drain from the Butler Veterinary Clinic's retention pond has been connected to the Township's stormwater system.
3. Winter Operations: Trucks are ready for winter operations.
4. Leaf Collection: Leaf collection will continue through Friday, November 20, 2015.
5. CDL Test: Randy Brown, part time employee, has applied for a CDL license to assist with snow plowing. ***Latuska motioned authorizing Step Up Foreman Brewster to take Brown for his CDL test. Smallwood seconded. Motion carried.***

ENGINEER’S REPORT:

1. Tax Increment Financing: Butler Township requests a meeting be scheduled. Butler Township's meeting is Monday, November 16, 2015 at 6:30 p.m. ***Latuska motioned authorizing placement of an ad in the Butler Eagle edition of Sunday, November 15, 2015 for the meeting with the Butler Township Commissioners. Smallwood seconded. Motion carried.***
2. Margate Manor Catch Basins: Township Engineer Olsen stated the cul-de-sac is not in the right location. He will prepare a letter for the Board.

SOLICITOR’S REPORT:

1. Cambridge Healthcare Developer's Agreement: Cambridge Healthcare has signed the developer's agreement. Township Engineer Olsen has not received information on construction costs for the calculation of the 110% performance bond.
2. Butler Veterinary Clinic Right-of Way Agreement: Dr. Harvey signed the agreement to permit the Township to tie his stormwater retention drain into the Township system. ***Latuska motioned approving the Butler Veterinary Clinic Right-of-Way agreement. Smallwood seconded. Motion carried.***

MISCELLANEOUS:

1. Croll Stormwater Project: Mr. Croll is not satisfied with the project which was recently completed. There will be a meeting with Mr. Croll and his attorney in the near future.

ADJOURNMENT:

Latuska made a motion to adjourn at 9:28 p.m. Wulff seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Edward G. Latuska
Chairman

Alan H. Smallwood
Vice Chairman

Supervisor

Kenneth J. Frenchak Jr
Supervisor

Phillip B. Wulff
Supervisor