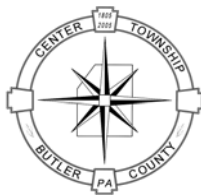


Board of Supervisors:
Edward Latuska, Chairman
Alan Smallwood, Vice Chairman
Ronald Flatt, Supervisor
Kenneth Frenchak Jr, Supervisor
Philip Wulff, Supervisor



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

<p>Center Township Board of Supervisors Regular Meeting Minutes April 13, 2016 6:30 p.m.</p>
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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 Alan Smallwood; Supervisors Ronald Flatt, Kenneth Frenchak and Philip Wulff; Township Solicitor Michael Gallagher; Township Engineer Olsen; and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD:

1. Mr. James Stamm, Unionville Volunteer Firefighter: Stamm presented a summary of March 2016 calls received by the Unionville Volunteer Fire Company for Chief Nathan Wulff.

Type of Calls	Number of Calls
Motor vehicle accidents	5
Automatic fire alarms	4
Service calls	3
Structure fires	6
Medicals	0
Brush fires	5
Dive calls	0
Vehicle fires	2
Carbon Monoxide	1
Total	26

2. Mr. Joe Lytle, 816 Sunset Drive: Mr. Lytle question when the drainage be corrected in his area.
3. Mr. Russell Hearn, 301 East Brewster Road: Mr. Hearn opposes the Economic Resource Overlay District. He requests the Board either table or reject.

4. Latuska read the following statement from Smallwood:

"In the event that those present this evening do not know my name, it is Alan Smallwood, I was born 50+ years ago and raised in Butler and attended the Butler school system. For many years my sister and I were the only African Americans that attended Center Township Elementary School.

Since the 60's, our community has made great progress with respect tolerance and acceptance and understanding, but yesterday the realization that some of our residents have not progressed intellectually or racially was made clear.

At a recent Township meeting on April 11, 2016 myself and my fellow supervisors were subjected to name calling by one of the attendees, Bob Brandon. We were referred to as "Buffoons" due to a sign dispute near his property.

Then at a meeting on April 12, 2016 with Mr. Brandon, myself and fellow supervisors at his home, I was poked in the chest by him and watched him remove something that turned out to be a metal object from his pocket. It caused great concern to me and the other supervisors that were there with me. I remained calm on the outside but fearful on the inside until the situation resolved itself.

I was able to afford him the respect that was owed him due to his age and the position I hold in the Township. Mr. Brandon did not respond in kind.

As a black man in a predominately white community, I had hoped that name calling and physical aggression were a thing of the past, but was again made clear to me and the others with me that some people have not matured and grown up despite their age."

Latuska motioned condemning Mr. Robert Brandon's action against Smallwood. Flatt seconded. Smallwood abstained. Motion carried 4 to 0.

5. Latuska read the following anonymous complaint received April 6, 2016:

"With leaves off of the trees, I noticed that the Route 8 area (between Elliott's Auto and the flying field has become our new "junk yard" area. Do we not have ordinances against this type of activity? I am sure that you have ordinances on the books to protect our township. Center Township used to be the most desired area to live in northern Butler County. I can't say that is true anymore.

I am not signing my name because it is my understanding that you folks have a record of disclosing information regarding who brought something to your attention. The township was much cleaner when Tom Quinlan was running the show.

Please do take time to drive around our township and enforce the ordinances. Good residents depend on your all to do your elected jobs."

MINUTES:

1. Agenda Setting Meeting – March 7, 2016: ***Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, March 7, 2016. Frenchak seconded. Motion carried.***
2. Regular Meeting - March 9, 2016: ***Latuska motioned correcting, the Executive session, which reads "to p.m." should read "6:30 p.m. to discuss personnel.", the minutes of the Agenda Setting Meeting held on Wednesday, March 9, 2016. Frenchak seconded. Motion carried.***
3. Public Hearing - Economic Resource Overlay District - March 16, 2016: ***Latuska motioned approving the minutes of the Public Hearing, "Economic Resource Overlay District", held on Wednesday, March 16, 2016. Frenchak seconded. Motion carried.***

TREASURER'S REPORT:

1. March 2016: *Latuska motioned approving the March 2016 Treasurer's Report. Flatt seconded. Motion carried.*
2. Warrant List 16-03-06: *Latuska motioned approving Warrant List 16-03-06. Frenchak seconded. Motion carried.*
3. Warrant List 16-04-07: *Latuska motioned approving Warrant List 16-04-07. Frenchak seconded. Motion carried.*

ZONING REPORT: March 2016: Construction costs were \$22,508.00.00 fees collected were \$327.00.

SUBDIVISION & LAND DEVELOPMENTS:

1. Wallace Lot Line Revision No. 2016-02-01, Final, Expires 05/23/2016: Wallace Lot Line Revision No. 2016-02-01, Final, Expires 05/23/2016: Mr. Donald Wallace proposes consolidating 1764 North Main Street Extension (Center Township Map 060-S4-A1B) consisting of .512 acres (m/l) and 1766 North Main Street Extension (Center Township Map 060-S4-A1C) consisting of .796 acres (m/l). Butler County Planning Commission had no comments per review letter dated February 23, 2016. Township Engineer Olsen's comments are as follows (*Mr. Wallace's comments are italicized*):
 - a. This application is for a lot consolidation prior to a separate land development application.
 - b. The Applicant should contact his private attorney regarding the legalities of showing an abandonment of the 25' R/W along the southern property line without signatures of J.P. Oliver being on the plan. (*The twenty-five (25) foot right-of-way will be abandoned*)

The Planning Commission recommended approval of the Wallace Lot line Revision No. 2016-02-01 at their meeting held on Wednesday, February 24, 2016.

The Board of Supervisors tabled the Wallace Lot Line Revision No. 2016-02-01 due to no representation at their meeting held on Wednesday, March 9, 2016.

Latuska motioned tabling the Wallace Lot Line Revision No. 2016-02-01 due to lack of representation. Flatt seconded. Motion carried.

2. Giles/Starlight Minor Subdivision No. 2016-03-02, Final, Expires 06/21/2016: Mr. Mike Ogin, Gateway Engineers, presented. Giles Holdings Future LLC, owner of Butler County tax parcel 060-2F106-14B, and Starlight Drive-In Inc, owner of tax parcel 060-2F106-14D, are proposing a Lot Line Revision to allow Giles Holdings access to Route 8 and the existing traffic light for State Route 8 (SR0008) and South Benbrook Road (SR3007). They request a modification to Center Township Codified Ordinance Chapter 14, Article IV, Section 14-403, Paragraph B.3. to allow for a scale of one hundred twenty feet (120') to one inch (1"), an appropriate scale for the size of the plan area. *Subdivision or Land Development Plat: A plat of*

the lot or lots to be formed or developed, drawn to a scale not smaller than one hundred feet (100') to one inch (1") . Butler County Planning Commission had no comments per review letter dated March 16, 2016. Township Engineer Olsen's comments are as follows (Mr. Ogin's comments are italicized):

- a. The plan is a minor subdivision. Tract 1 is proposed to be conveyed from Starlight Drive-In Inc. to Giles Holdings Future LLC and to be consolidated into a single lot. This conveyance will necessarily be by deed after the plan is recorded.
- b. No new stand-alone lots will be created . Therefore, no Sewage Facilities Planning Modules are required .
- c. The Application states that public sewage is available, but it appears only the Giles property has access to public sewer service. This should be discussed at the Township meetings. *(will verify that Starlight Drive-In is on public sewer)*
- d. It is my recollection that the Township at one time signed an agreement with DeMarsh granting access to the Township 's traffic signal for a contribution of \$20,000. This should be discussed with the Solicitor for applicability. *(is not aware of an agreement granting Starlight Drive-In access to the traffic signal)*
- e. We recommend that the Planning Commission recommend approval of this subdivision.
- f. It is our understanding that John Giles will be submitting a Pre-Application Review for a Land Development in the near future.

Sloan stated Checklist Item I, B.3.a. (Name, address, phone number of subdivider) is not shown on the plan. In addition, the centerline for State Route 8 (SR0008) North should be depicted.

The Planning Commission recommended granting modification to Center Township Codified Ordinance Chapter 14, Article IV, Section 14-403, Paragraph B.3. to allow for a scale of one hundred twenty feet (120') to one inch (1"), an appropriate scale for the size of the plan area.

The Planning Commission, contingent on (1) Checklist Item I, B.3.a. (Name, address, phone number of subdivider) is shown on the plan and (2) the centerline for State Route 8 (SR0008) North should be depicted, recommended approval of the Giles/Starlight Minor Subdivision No. 2016-03-02.

Flatt motioned granting modification to Center Township Codified Ordinance Chapter 14, Article IV, Section 14-403, Paragraph B.3. to allow for a scale of one hundred twenty feet (120') to one inch (1"), an appropriate scale for the size of the plan area. Frenchak seconded. Motion carried.

Flatt motioned, based on Township Engineer Olsen's recommendation that the contingencies were met, granting final approval of the Giles/Starlight Minor Subdivision No. 2016-03-02. Frenchak seconded. Smallwood abstained because his brother-in-law prepared the plot plan. Motion carried 4 to 0.

OLD BUSINESS:

1. Sale of Municipal Building: The township bid the sale of the property located at 419 Sunset Drive (Center Township Map 060-S4-15) two (2) times and rejected both of the bids received. Mr. Gill's attorney requests the property be re-advertised so he could have clear title. The Board requested he agree to the following:
 - a. pays for the ad and solicitor's cost in getting it advertised. The prior cost of advertising was \$92.00. The ad is prepared except to change the date so solicitor's time is limited to his discussions with the Supervisors and you, which will be capped at two (2) hours x \$160.00 per hour, which can be paid at closing.
 - b. to post the purchase price in your escrow account as security prior to the advertisement.

The following bid was received:

Name	Amount
Jiffy Mini Mart, Inc	\$153,000

Latuska motioned accepting the bid from Jiffy Mini Mart, Inc in the amount of \$153,000 and authorize himself to sign the sales agreement. Wulff seconded. Motion carried.

2. Economic Resource Overlay District Ordinance No. 2016-04-02: A public hearing was held on Wednesday, March 16, 2016 to obtain comment on an ordinance entitled "An ordinance amending Chapter 20, Zoning, as amended from time to time, by creating a new article XIV.II titled "Economic Resource Overlay District".

The Planning Commission recommended approval at their meeting held Wednesday, January 27, 2016. Notification was faxed and mailed to the Butler County Planning Commission on Friday, February 12, 2016. They had no comments per letter dated February 24, 2016. Public notifications were mailed Friday, February 12, 2016 to all property owners within 300 feet. The notice of the public hearing was published in the Butler Eagle editions of Sunday, February 28, 2016 and Sunday, March 6, 2016. The property was posted on Wednesday, March 2, 2016.

Wulff gave this alot of thought and consideration with the facility currently being constructed could be instrumental in opening the State Route 422 cloverleaf, which could relieve traffic by creating the Economic Resource Overlay District. He feels this will promote business in the area with less cost to the Township than a housing development.

Flatt agrees with Wulff. The Township established the Comprehensive Plan with the recommendation of the Planning Commission for land use and growth area of the Township. There is less environmental impact. The development would ease the burden on the current taxpayers to commercial.

Latuska agreed with Wulff and Flatt. This is an unique opportunity with high paying jobs benefitting community. He read the following statement:

"I would like the residents of Center Township to know that this decision and this vote are not being taken lightly. A great deal of time and effort have been invested in this process. The Board of Supervisors appreciates the input and feedback from our residents who attended the public hearing on March 16, 2016. We also appreciate the input and feedback from our residents in the community. When Center Township was first presented with this unique opportunity, the Board of Supervisors realized the potential for growth and development and have been and will continue to work toward that end. To those residents who have suggested that this Board is somewhat benefitting financially or is making back room deals, your accusations are so far from the truth and misguided. I only wish that our higher levels of government could be as open and transparent as Center Township. I think that we would all be better off."

Frenchak stated he was part of the Planning Commission and Board of Supervisors while developing the Comprehensive Plan. Time and effort of twenty (20) residents and business owners. Response to the survey was overwhelming. Decision is based on consistency with the Comprehensive Plan.

Smallwood agreed with all of the comments.

Latuska motioned to adopt the Economic Resource overlay District Ordinance No. 2016-04-02. Frenchak seconded. Motion carried.

3. Butler County 2015 Hazard Mitigation Plan Resolution No. 2016-04-09: Butler County Planning Commission and Butler County Emergency Services Department developed the Butler County 2015 Hazard Mitigation Plan in cooperation with other county departments, and officials and citizens of Center Township. ***Latuska motioned adopting the Butler County 2015 Hazard Mitigation Plan Resolution No. 2016-04-09 as the official Hazard Mitigation Plan of Center Township. Frenchak seconded. Motion carried.***
4. Bob's Farm Market Signs: Township Solicitor Gallagher sent a letter to Mr. John Stillwagon on June 8, 2015 ~~requesting~~ *stating that (corrected 05/11/2016)* he does not permit Bob's Farm Market ~~not~~ *(corrected 05/11/2016)* to post signs on his property. Frenchak reported at the Agenda Setting meeting held on Monday, April 11, 2016 that Bob's Farm Market posted signs on Easter Sunday, March 27, 2016. ***Frenchak motioned authorizing Township Solicitor Gallagher to send letters to Bob's Farm Market and Mr. John Stillwagon to cease placing signs in Center Township. Flatt seconded. Motion carried.***

NEW BUSINESS:

1. Butler County Annual Convention, 05/19/2016, Butler Country Club, \$25: The Butler County Association of Township Supervisors will hold their annual convention on Thursday, May 19, 2016 at the Butler Country Club with a fee of \$28.00 per attendee. ***Latuska motioned authorizing Frenchak and Wulff to attend the Butler County Annual Convention on May 19, 2016 at the Butler Country Club in the amount of \$28.00 per attendee. Flatt seconded. Motion carried.***
2. Sale of Excess Shelving Resolution No. 2016-04-10: The Township purchased shelving units ~~for~~ *from (corrected 05/11/2016)* Dick's Sporting Goods/Clearview Mall Associates. Due to the number of shelving units, the Township has excess units. The Board will sell the excess shelving units, which consists of two (2) ends and four (4) shelves, at \$40.00 for one (1) foot sections, \$80.00 for the two (2) foot sections and \$120.00 for the four (4) foot sections. ***Latuska motioned adopting the Sale of Excess Shelving Units Resolution No.***

~~2016-04-10 which authorizes the sale of excess shelving units~~ (corrected 05/11/2016), **which consists of two (2) ends and four (4) shelves, at \$40.00 for one (1) foot section, \$80.00 for the two (2) foot section and \$120.00 for the four (4) foot section. Smallwood seconded. Motioned carried.**

- 3. Road Damage: Latuska stated an ordinance was passed in 2012 regulating weight limits. New home construction vehicles do not bond the roads since they are considered local deliveries. **Latuska motioned authorizing Township Secretary/Treasurer Amendolea, upon receipt of cost estimate for repairs from Step Up Foreman Brewster, to send invoice to property owner of 5145 McCandless Road (corrected 05/11/2016) and contractor. Wulff seconded. Motion carried.**

Latuska motioned authorizing Smallwood, Flatt and Township Engineer Olsen to develop a driveway ordinance. Flatt seconded. Motion carried.

- 4. Power Outage: On Wednesday, April 6, 2016 power was temporary lost at the Municipal Facility. When the generator started, the office did not have power. Wulff has a solution to tie the office to the generator, which he will not charge the Township. **Latuska motioned authorizing Wulff to connect the office to the generator at no cost to the Township. Flatt seconded. Motion carried.**

PUBLIC WORKS:

- 1. Authorize Ad for 2004 Viking Trailer: The Township is selling the 2004 Viking trailer. The following bids were received.

Name	Amount
Thomas Fischer 612 Center Drive Chicora, Pa 16025-3806	\$900.00
Vincent L Pennington 207 Whitmire Road West Sunbury, PA 16061-2229	\$2,357.00
John Pichler 175 Whitestown Road Lyndora, PA 16045-1157	\$671.00

Latuska motioned awarding the 2004 Viking Trailer bid to Vincent L. Pennington in the amount of \$2,357.00. Wulff seconded. Motion carried.

- 2. Ratify 2016 Street Sweeping: Step Up Foreman Brewster received the following quotes for the 2016 Street Sweeping. He suggests using Golden Equipment instead of Pave Care due to poor performance. Township Solicitor suggested receiving new quotes with the stipulation of not using any equipment older than five (5) years.

Company	Amount per Hour
Golden Equipment	\$115.00
Municipal Equipment	\$115.00
Pave Care	\$110.00

Latuska motioned ratifying awarding the 2016 Sweeping Contract to Golden Equipment at \$115.000 per hour. Smallwood seconded. Motion carried.

3. Summer Hires: ***Latuska motioned, based on Step Up Foreman Brewster's recommendation, hiring Dillen A. Meeder and Tyler N. Brown as summer hires at \$9.00 per hour with no benefits. Wulff seconded. Motion carried.***
4. Pinehurst Road (T-603) Bridge: Repairs have been made over several years. ***Smallwood motioned authorizing Township Engineer Olsen to review how to make improvements on the Pinehurst Road (T-603) bridge. Frenchak seconded. Motion carried.***
5. Maintenance Property Preparation: ***Smallwood motioned tabling the Maintenance Property Preparation. Latuska seconded. Motion carried.***
6. Butler County Corrections: Butler County Corrections had the inmates clean litter from Sunset Drive (T-442) today. They picked up thirty (30) bags of trash and several tires.

ENGINEER'S REPORT:

1. Tax Increment Financing Construction Cost Estimates: The goal of the Economic Resource Overlay District is to make an improvement on jobs and tax base. The approximate improvements costs are (1) Sanitary Sewer - 1.8 million dollars, (2) Roads - 3.3 million dollars and Electric Right-of-Way - .109 million dollars. As part of the Tax Increment Financing, Butler County and Butler Area School District must agree.
2. Floodplain Ordinance: Township Engineer Olsen has contacted the Federal Emergency Management Agency and the Pennsylvania Emergency Management Agency for guidance on the floodplain ordinance. New floodplain maps will be effective in the near future. The Township is required to adopt a floodplain ordinance within six (6) months.
3. Mercer Road (T-494/North Duffy Road (T-509) Intersection: Mr. Robert Brandon attended the Agenda Setting meeting on Monday, April 11, 2016 questioning why a "Weight Limit" sign was placed on his property. Step Up Foreman, Latuska, Smallwood and Township Engineer Olsen met with Mr. Brandon on Tuesday, April 12, 2016 to measure the right-of-way. Since sign was *purportedly (corrected 05/11/2016)* erected on his property, the sign was removed. Center Township may considered *(corrected 05/11/2016)* widening the right-of-way either by donation from Mr. Robert Brandon or by condemnation.
4. Cambridge Development: The outlet for the detention pond cannot cross an eight (8) inch gas line along North Duffy Road (T-509). The contractor proposes installing an inlet in a sump condition to cross the eight (8) inch gas line. ***Latuska motioned, based on Township Engineer Olsen's recommendation, permitting Cambridge's contractor to install an inlet in a sump condition to go under the eight (8) inch gas line pursuant to the stormwater detail as provided. Smallwood seconded. Motion carried.***

5. Spring Run Road On Lot Stormwater Detention Sump: Two (2) properties on Spring Run Road erected single family dwellings without installing the required on lot stormwater detention sump. Contractor was notified of the requirement of the installation of an on lot stormwater detention sump but states a provision of two hundred (200) feet which the Township did not adopt. Latuska directed Township Secretary/Treasurer Amendolea to send letter informing of the requirement to property owner and contractor.

SOLICITOR'S REPORT:

1. Property Condemnation Resolution: The Board of Supervisors want to proceed with the condemnation of property. The process requires an exhibit drawing, property appraisal, title search and resolution authorizing declaration of taking. Township Engineer Olsen is preparing the necessary maps for the resolution. ***Latuska motioned tabling the Property Condemnation Resolution. Frenchak seconded. Motion carried.***
2. Township Official Map: The Board of Supervisors met with the Planning Commission on Wednesday, March 23, 2016 to discuss creating an official map of the Township, including but not limited to: zoning, street layout and comprehensive plan features.

Schiebel does not want to tie up property for future development.

Frenchak questioned if the Township has the right to propose roads anywhere. Also, may the map be updated on an annual basis or every five (5) years.

Latuska stated if the Planning Commission agrees with the placement of roads, Township Engineer Olsen will draft a map for Planning Commission and Board of Supervisors review and approval. He proposes having a connector road to Lions Road (T-694) with a roundabout with connectors to North Duffy Road (T-509) and South Benbrook Road (SR3007).

Flatt stated making an official map will convince PennDot to consider possible options. Residents at the hearing on Wednesday, March 16, 2016 wanted to know the effect of traffic on North Duffy Road (T-509) would have on the intersection with Mercer Road (T-494). He suggests a road across the Heasley's property to intersect with Mercer Road (T-494) and Blossom Drive (T-993) and connecting East Brewster Road (T-441) with the proposed road.

Smallwood stated residents were not in favor of the proposed overlay district. He favors a roundabout with a connection to Lions Road (T-694) and North Duffy Road (T-509)

Cavaliero agreed with Smallwood.

The Planning Commission recommended the Board of Supervisors direct Township Engineer Olsen draft a proposed Township official map consisting of (1) connector road to Lions Road (T-694), (2) construction of a roundabout, and (3) connection to North Duffy Road (T-509) for further review.

The Board of Supervisors, based on the Planning Commission's recommendation, directed Township Engineer Olsen to draft a proposed Township official map consisting of (1) connector road to Lions Road (T-694), (2) construction of a roundabout, and (3) connection to North Duffy Road (T-509) to be presented to the Planning Commission.

Latuska motioned authorizing Township Engineer Olsen and Township Solicitor Gallagher to work on an official Township map. Smallwood seconded. Motion carried.

3. Mar Vel Drive Easement: Property owner is claiming the Township owns a ten (10) foot easement through his property. Township Solicitor Gallagher states unless the Township either (1) utilizes the right of way, or (2) formally accepted the right of way when it adopted Mar-Vel Drive, then the right of way would be extinguished, since more than 21 years elapsed. A catch basin was installed near the location but cannot determine where the stormwater drains to. Pipe is terra cotta. Property owner will need to provide a new easement for the Township to replace one hundred fifty (150) feet of pipe.

MISCELLANEOUS:

1. 2016 Bobcat Skid Steer: Frenchak received a call from Mr. Jeff Myers thanking Center Township for the purchase of the 2016 Bobcat Skid Steer.
2. Clearview Mall Stores: Chuck E. Cheese is being replaced by Dollar Tree. Dick's Sporting Goods space will be replaced by a new tenant. Both spaces should be occupied by the fourth quarter of this year.
3. Sheetz: The contractor installed the end wall. They are awaiting the NPDES permit for the Giles property located at 1975 North Main Street Extension (Center Township Map 060-2F106 14B).

ADJOURNMENT:

The meeting adjourned to an executive session to discuss possible litigation at 8:10 p.m. The meeting reconvened at 8:35 p.m. with the following action taken:

Latuska motioned authorizing Center Township to post the "Weight Limit" sign on the back of the existing "Stop" sign on the opposite side of the road. Smallwood seconded. Motion carried.

Latuska motioned authorizing Township Engineer Olsen to prepare a drawing for the acquisition of Mr. Robert Brandon's right-of-way. Smallwood seconded. Motion carried.

Latuska motioned authorizing Township Solicitor Gallagher to write a letter requesting Mr. Robert Brandon return the original "Weight Limit" sign in his possession. Smallwood seconded. Motion carried.

APPROVED 05/11/2016
as corrected

Latuska made a motion to adjourn at 8:37 p.m. Smallwood seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Edward G. Latuska
Chairman

Alan H. Smallwood
Vice Chairman

Ronald E. Flatt
Supervisor

Kenneth J. Frenchak Jr
Supervisor

Phillip B. Wulff
Supervisor