

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
Patrick Gauselmann, Zoning Officer

Center Township Board of Supervisors
 Regular Meeting Minutes
 August 10, 2016
 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 Alan Smallwood; Supervisors Ronald Flatt, Kenneth Frenchak and Philip Wulff; Township Solicitor Michael Gallagher; Township Engineer Ronald Olsen and Township Secretary//Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD:

1. Dr. Ronald Cypher, 100 Cherokee Drive: Dr. Cypher thanked the Township for the extensive work which was done along Sunset Drive (T-442) to correct stormwater run off onto his property. However, he had stormwater damage on Sunday, July 24, 2016 which he showed videos of water from Butler Veterinary Clinic's retention pond.
2. Mr. John Giles, 101 Timothy Lane: Mr. Giles owns property at 1737 North Main Street Extension which has stormwater runoff problems. When he contacted PennDot, PennDot stated it was a natural waterway.
3. Mr. Nathan Wulff, 5168 McCandless Road: Mr. Wulff presented the Unionville Volunteer Fire Department Fire Calls for July 2016 as:

Type of Calls	Number of Calls
Motor vehicle accidents	11
Automatic fire alarms	9
Service calls	12
Structure fires	5
Medicals	1
Brush fires	0
Dive calls	1
Vehicle fires	1
Technical rescues	0
Total	40

Two (2) members joined Butler County Swift Water Rescue. The fire department was awarded a Federal Emergency Management Agency Assistance Grant in the amount of approximately \$20,00.00. The grant will be used for purchasing of two (2) imaging cameras and reporting software.

4. Ms. Diane Deangelis, 211 East Hilltop Drive: Ms. Diane Deangelis reported receiving stormwater runoff from East Hilltop Drive (T-700).
5. Mr. Brad Cavaliero, 100 North Maple Drive: Mr. Cavaliero presented a court order dated November 27, 1989 about an incident which occurred at the Hull Plan Lake and Lakewood Road (T-709). He showed photos of the culvert possibly eroding away. Township Engineer Olsen will review the situation and report to the Board.

MINUTES:

1. Agenda Setting Meeting – July 11, 2016: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, July 11, 2016. Flatt seconded. Motion carried.*
2. Regular Meeting - July 13, 2016: *Latuska motioned approving the minutes of the Regular Meeting held on Wednesday, July 13, 2016. Frenchak seconded. Motion carried.*

TREASURER'S REPORT:

1. July 2016: *Latuska motioned approving the July 2016 Treasurer's Report. Frenchak seconded. Motion carried.*
2. Warrant List 16-07-14: *Latuska motioned approving Warrant List 16-07-14. Flatt seconded. Motion carried.*
3. Warrant List 16-08-15: *Latuska motioned approving Warrant List 16-08-15. Flatt seconded. Motion carried.*

ZONING REPORT: July 2016: Construction costs were \$697,425.00 fees collected were \$6,441.31.

SUBDIVISION & LAND DEVELOPMENTS:

1. Weser Minor Subdivision No. 2016-07-05, Final, Expires 10/24/2016: Mr. Mark Seesox presented. Ms. Tomi Herold proposes subdividing 2.048 acres (m/l) to be conveyed from Center Township Map 060-2F106-1E consisting of 23.743 acres (m/l) to Center Township Map 060-2F106-1EE owned by Mark and Dawn Seesox. Butler County Planning Commission had no comments per review letter dated June 10, 2016. Township Engineer Olsen comments are as follows (*Mr. David Widmer, Widmer Engineering Inc, comments are italicized*):
 - a. We consider this plan to be a Minor Subdivision. The purpose of the plan is to convey 2.048 acres from Tax Parcel 60-2F106-1E (the lot owned by the Nancy Herold – Weser Estate) to Mark and Dawn M. Seesox, an adjacent property owner. However, the drawing

describes an additional conveyance of 0.283 acres from Rasp to Tax Parcel 60-2F 106-IE (which is possibly labeled as lands now or formerly N.A. Campbell). This discrepancy must be resolved. *(The subdivision information that was previously approved and recorded as Plan Book 284, Page 45 has been removed for the plan. The area dedicated as the 50' Right-of-Way has been shown as approved by the same plan.)*

- b. The plan shows a proposed 50' dedicated right-of-way from Jamisonville Road to Lot 2 and a property line across this strip of land to be deleted. *(The property line across the ROW has been removed.)*
- c. This plan appears to be a subdivision rather than a lot line revision since two landowners are involved. *(Comment addressed.)*
- d. We suggest that the 2.048-acre parcel being subdivided to be labeled as an individual lot (possibly Lot 2A) and a note added to the plan that is to be conveyed to and become a part of lands of Mark V. & Dawn M. Seezox. *(Comment addressed)*
- e. The lot currently owned by Mark Y. & Dawn M. Seezox should be identified by its Tax Map Parcel number and the owners' names affixed to this parcel. *(Comment addressed)*
- f. There is a solid line across the front of the 2.048-acre parcel being conveyed, which is not identified (possibly an electric line). This should be identified. *(Abstract line has been removed, and the existing utility line has been shown.)*
- g. Lot 1 should be identified by its Tax Map number and "now or formerly" removed from its description since this is the parcel currently being subdivided. *(Comment addressed)*
- h. Tomi Herold is identified as executrix on the Application, but executor on the plan drawing. This discrepancy should be corrected. *(Comment addressed)*
- i. A note is on the drawing referring to the lands now or formerly of K.P. Weser as 2.174 acres original minus 0.283 acres dedicated right-of-way for a 1.890 acres net remaining.

Note: A dedication of R/W does not convey property in fee simple. Although not a condition of subdivision approval, we suggest that the Applicant contact a private attorney to resolve this issue before it becomes a larger problem. *(The subdivision information that was previously approved and recorded has been removed from the plan, and the area dedicated as the 50' Right-of-Way is being shown as per approved Plan Book 284, Page 45.)*

- j. The Butler County Tax Map shows three "overlap" parcels which involve Sharon & Kenneth McNaughton and Kevin P. & Nancy J. Weser. Although not a condition of subdivision approval, the Applicant may wish to contact a private attorney to resolve this issue before it becomes a larger problem. *(The discrepancy appears to be due to stream erosion. The approved subdivision Plan Book 284, Page 45 shows the most recent stream location based on a survey by Greenough & Greenough, Inc., May 31, 1971, as well as a previous survey by Charles L. Fair II, unknown date. These two different survey lines are causing the overlaps. Backtracking property research through the deeds would explain how the properties were described, most likely to the center of the stream, causing the changes. These overlapping areas on the County GIS Tax Map system do not apply to this lot line revision, so no changes were made.)*
- k. Minor Subdivision applications are required to show on drawings all items listed in the Subdivision and Land Development Ordinance Section 14-403 G.l.c including driveways, adjacent underground utility lines, existing natural gas or oil wells and lot identification numbers. These items must be indicated on the plan drawing or the Applicant should be prepared to state for the record at public review meetings that these items are not applicable. *(Known existing items have been shown on the plan.)*

- l. The name of the estate should be consistent on the drawing. In one location on the drawing, it is listed as the Estate of Nancy J. Weser, but in the signature block it is listed as the Estate of Nancy Weser. The Applicants private attorney should be consulted to ensure consistency. *(Comment addressed.)*
- m. The Applicant is reminded that approval and recording of a subdivision does not convey land. A deed must be prepared and recorded in order to transfer property even if the parties are related. *(Statement for applicant, no plan changes made.)*

The Planning Commission, contingent on the completion of items a through m, recommended final approval of the Weser Minor Subdivision No. 2016-07-05. All contingencies were met. ***Frenchak motioned, based on Township Engineer Olsen's recommendation, approving the Weser Minor Subdivision No. 2016-0-05. Latuska seconded. Motion carried.***

OLD BUSINESS:

1. Pinehurst Road (T-603) Bridge: Township Solicitor Gallagher contacted Mr. Mark Paul, Canadian National Railroad, who stated there was possible litigation in the 1980's concerning ownership of the bridge. Township Engineer Olsen presented a tax map and deeds to review for possible ownership. ***Latuska motioned authorizing Township Solicitor to file with the Public Utilities Commission. Smallwood seconded. Motion carried.***
2. R E Gas Development Conditional Use No. 2016-01: The Board held a public hearing on Monday, August 8, 2016 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 2016-01. Flatt seconded. Motion carried.***
3. McCandless Road (T-410) Damage: During construction of a new home at 5145 McCandless Road (T-410), the road was damaged. A letter was sent on May 11, 2016 to the contractor, Schumacher Homes, and the property owner, David H and Jennifer L Dressing, with no response. Certified letters were mailed on July 28, 2016 to both with a response from Ms. Dressing stating the contractor was responsible for the damage. Township Solicitor Gallagher stated a lien may not be placed on property for this type damage. The Township will need to file with the District Justice. ***Latuska motioned authorizing Township Secretary/Treasurer Amendolea to prepare a resolution to include in the permitting process to include a statement for responsibility of road damage and all court costs and reasonable attorney's fees. Wulff seconded. Motion carried.***
4. Subdivision and Land Development Course, Butler, 10/27, 11/03 and 11/10/2016, \$60: ***Latuska motioned authorizing Flatt, Frenchak and Cavaliero, Planning Commission, to attend the Subdivision and Land Development Course on Thursday, October 27, Thursday, November 3 and Thursday, November 10, 2016 for a fee of \$60.00 per attendee. Flatt seconded. Motion carried.***
5. Codification of Ordinances: ***Flatt motioned tabling for further review. Latuska seconded. Motion carried.***

NEW BUSINESS:

1. Comprehensive Plan Review: Frenchak stated it is time to perform a review of the Center Township Comprehensive Plan. ***Frenchak motioned authorizing the Planning Commission to begin a review of the Center Township Comprehensive Plan effective January 2017 allowing the Planning Commission to set criteria, number of members and type of representation. Flatt seconded. Motion carried.***
2. Regional Police Force: The Township received a letter from the City of Butler to meet with them and Butler Township to discuss establishing a regional police force. ***Latuska motioned authorizing Township Secretary/Treasurer Amendolea to send a letter of interest to meet and authorize Frenchak and Smallwood to attend meeting and Flatt seconded. Motion carried.***
3. Butler Transit Authority: Frenchak stated he would like to meet with the Butler Transit Authority to discuss the possibility of joining

PUBLIC WORKS:

1. Flagger Training - "Train the Trainer" Course: Lancaster Township is interested in setting up a "Train the Trainer" course in this area. ***Latuska motioned authorizing two (2) road crew members to attend the "Train the Trainer Course when the date is established. Smallwood seconded. Motion carried.***
2. Request for "Watch Children" Sign: Ms. Shawna Littlejohn requests "Watch Children" signs be placed on Freedom Road (T-691). ***Latuska motioned authorizing the purchase and installation of two "Children at Play" signs on Freedom Road (T-691). Frenchak seconded. Motion carried.***
3. Flagger Certification Training, Moon Township, 9/8/2016, \$50: Step Up Foreman Brewster requests authorization to send the road crew to the flagger certification training on Thursday, September 8, 2016 in Moon Township. Certification is good for three (3) years. ***Latuska motioned authorizing Bryan Blakeley, Gregory Brewster, Michael Iscrupe, Joseph Miller, Jared Smith and Thomas Smith to attend the Flagger Certification Training on Thursday, September 8, 2016 in Moon Township for \$50.00 per attendee. Flatt seconded. Motion carried.***
4. Authorize Ad for 2016 Line Painting: Step Up Foreman Brewster requests authorization to advertise for 500,000 to 600,000 linear feet of line painting consisting of white and yellow lines. ***Latuska motioned authorizing the advertisement of the 2016 Line Painting Contract for 500,000 to 600,000 linear feet of four (4") inch white and yellow lines in the Butler Eagle editions of Sunday, August 28, 2016 and Thursday, September 1, 2016. Flatt seconded. Motion carried.***

5. Placement of "Speed Minder" Signs: The Township purchased two (2) "Speed Minder" signs. Smallwood stated the "Speed Minder" signs will be erected on Shanahan Road (T-692) from Friday, August 12, 2016 through Thursday, August 18, 2016.
6. Mar Vel Drive (T-517) Drain Crossing: Mr. Ronald Bole, 140 La Ray Drive, complained that his basement is being flooded by stormwater from Mar Vel Drive. ***Smallwood motioned authorizing Township Engineer Olsen to review the Mar Vel Drive (T-517) drain crossing. Latuska seconded. Motion carried.***
7. East Hilltop Drive Stormwater Runoff: The Township vacated a portion of East Hilltop Drive. Stormwater is running from the top of East Hilltop Drive across old asphalt and damaging property at 211 East Hilltop Drive. ***Smallwood motioned authorizing Township Engineer Olsen to review the stormwater runoff from East Hilltop Drive. Latuska seconded. Motion carried.***

ENGINEER'S REPORT:

1. Stoughton Golf Course Stormwater Detention: Township Engineer Olsen reported that Mr. Van Smith would collect the stormwater from his storage building to a pond on the property. Wulff felt the stormwater is not running onto neighboring property and collecting the water would create an undue expense on the property owner. Smallwood agreed that the grass is absorbing the water. ***Flatt motioned tabling until next month to review the waiver requirements. Latuska seconded. Motion carried.***
2. Sanitary Sewer Service Request for Bocci Property: Butler Area Sewer Authority is working on reissuing the letter prepare for Gateway Engineers to Center Township and Mr. and Mrs. David Bocci.
3. Margate Drive (T-770) Stormwater: Mr. Dennis Beblo, 131 Margate Court, contacted Township Engineer Olsen concerning the stormwater issue. Olsen stated he would have a report at next month's meeting.

SOLICITOR'S REPORT:

1. Cypher Insurance Claim: Our insurance carrier is prepared to make an offer to Dr. Ronald Cypher for stormwater damage to his property which occurred in 2015. The Board must approve the settlement. If settlement is approved, Dr. Cypher will be required to file a final release. Any future claims would be on the Center Township taxpayers.

Latuska stated the Township bent over backwards to repair the stormwater system along Sunset Drive (T-442). By Dr. Cypher's own admission earlier in the meeting stated he was happy with the work which was completed. Water is coming from State Route 8 going under Sunset Drive (T-442) onto Dr. Cypher's property. When will Dr. Cypher accept responsibility for building in a valley? Dr. Cypher acknowledge the fact that he is in a valley. He lived there for thirty (30) years and did not have a problem until the Butler Veterinary Clinic expanded. ***Frenchak motioned authorizing Flatt and Wulff to review the previous agreement which were not signed and report to the Board next month. Flatt seconded.***

Motion carried.

Latuska motioned authorizing Township Solicitor Gallagher to send letter to insurance company informing them the plan was tabled to next month. Frenchak seconded. Motion carried.

MISCELLANEOUS:

1. Moore Donation: Mr. Harvey A. Moore Jr served as a Center Township Supervisor and Roadmaster from 1976 through 1991. Mr. Moore passed away on Monday, August 8, 2016. ***Latuska motioned authorizing a donation of \$50.00 be made to the American Diabetes Association in his memory. Flatt seconded. Motion carried.***
2. Brewery: Frenchak stated a brewery will be occupying the Allegheny Auto Sales building at 1747 North Main Street Extension.
3. Bowling Alley: Frenchak questioned the status of the bowling alley at 1805 North Main Street Extension. Building permit was issued.
4. Sheetz: Frenchak asked the status of the Sheetz project. Building permit was issued.
5. Osman Sewer Line: Butler Area Sewer Authority passed the sewer line correction of the Osman property.

ADJOURNMENT:

The meeting adjourned to an executive session to discuss possible litigation at 8:28 p.m. The meeting reconvened at 9:14 p.m. with no action taken.

Flatt made a motion to adjourn at 9:15 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