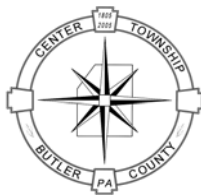


Board of Supervisors:
 Edward Latuska, *Chairman*
 Alan Smallwood, *Vice Chairman*
 Ronald Flatt, *Supervisor*
 Kenneth Frenchak Jr, *Supervisor*
 Philip Wulff, *Supervisor*



Anthony Amendolea, Secretary/Treasurer
Michael Gallagher, Solicitor
Olsen & Associates, Engineer
Patrick Gauselmann, Zoning Officer

Center Township Board of Supervisors
 Reorganization/Regular Meeting Minutes
 January 3, 2017
 6:30 p.m.

CALL TO ORDER:

Supervisor Edward Latuska called the Reorganization/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 Supervisor Latuska, present were Supervisors Ronald Flatt, Kenneth Frenchak, Alan Smallwood and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; and Township Secretary//Treasurer Anthony Amendolea.

REORGANIZATION

APPOINTMENTS:

A. Board of Supervisors

1. Recording Secretary Protem: ***Latuska motioned appointing Anthony Amendolea as Recording Secretary Protem. Flatt seconded. Motion carried.***
2. Chairperson Protem: ***Latuska motioned appointing Smallwood as Chairman Protem. Flatt seconded. Smallwood abstained. Motion carried 4 to 0.***
3. Chairperson: ***Smallwood motioned nominating Latuska for Chairperson. Frenchak seconded. Latuska abstained. Motion carried 4 to 0.***
4. Vice Chairperson: ***Latuska motioned nominating Smallwood for Vice Chairman. Frenchak seconded. Smallwood abstained. Motion carried 4 to 0.***
5. Wages and Health Benefits of Supervisors: ***Latuska motioned setting the Supervisors salary at \$2,500 in accordance with the Second Class Township Code, Article VI, Section 606a and authorizing the health benefits for the following Board members:***

SUPERVISOR	COVERAGE
Ronald E. Flatt	Employee and Spouse
Kenneth J. Frenchak Jr	Family
Edward G Latuska	Employee
Alan H Smallwood	Family
Philip B Wulff	Family

Smallwood seconded. Motion carried.

6. Vacancy Board Chairperson: *Latuska motioned appointing Robert M. Sloan as Vacancy Board Chairman. Flatt seconded. Motion carried.*
- B. Administration
1. Township Secretary/Treasurer & Wage: *Latuska motioned (1) appointing Anthony Amendolea as Township Secretary/Treasurer and (2) setting the wage of \$2.54 per hour for Township Treasurer duties and \$1.74 per hour for Township Secretary duties effective January 1, 2017. Flatt seconded. Motion carried.*
 2. Treasurer's Bond: *Latuska motioned setting the Treasurer's Bond at \$800,000.00 and pay the fee of \$1,125.00 to H A Thomson. Smallwood seconded. Motion carried.*
 3. Recording Secretary: *Latuska motioned appointing Anthony Amendolea as Recording Secretary. Wulff seconded. Motion carried.*
 4. Public Records Officer: *Latuska motioned appointing Anthony Amendolea as Public Records Officer. Flatt seconded. Motion carried.*
 5. Step Up Foreman & Wage: *Latuska motioned, subject to all responsibilities previously delegated, appointing Greg Brewster as Step Up Foreman with a wage of \$20.96 per Collective Bargaining Agreement plus an additional \$3.60 per hour differential pay. Smallwood seconded. Motion carried.*
 6. Building Code Official & Fee: *Latuska motioned appointing Professional Code Services as Building Code Official with fees as set by the 2017 Fee Schedule Resolution No. 2017-01-05. Smallwood seconded. Motion carried.*
 7. Zoning Officer & Wage: *Latuska motioned appointing Patrick Gauselmann as Zoning Officer with wage of \$45.00 per hour. Wulff seconded. Motion carried.*
 8. Set Part Time and Seasonal Wages: *Latuska motioned setting the Part Time wage at \$13.50 per hour and the Seasonal Wage at \$9.00 per hour. Wulff seconded. Motion carried.*
 9. Dog Officer & Wage: *Latuska motioned appointing Eugene Henry as Dog Officer with wages remaining at \$12.00 per hour, \$5.00 per dog, and mileage. Wulff seconded. Motion carried.*
 10. Sewage Enforcement Officer & Fees: *Latuska motioned appointing Douglas Duncan as Sewage Enforcement Officer with fees set by the 2017 Fee Schedule, Resolution No. 2017-01-05. Smallwood seconded. Motion carried.*
 11. Alternate Sewage Enforcement Officer: *Latuska motioned appointing David Ice as Alternate Sewage Enforcement Officer. Flatt seconded. Motion carried.*
 12. Fleet Inspection Mechanic: *Latuska motioned appointing William G. Errera and Braden L. Weitzel as Fleet Inspection Mechanics. Smallwood seconded. Motion carried.*

C. Professional

1. Township Solicitor & Fee: ***Latuska motioned appointing Murrin, Taylor, Flack and Gallagher as Township Solicitor with fees set by the 2017 Fees Resolution No. 2017-01-05. Flatt seconded. Motion carried.***
2. Township Engineer & Fee: ***Flatt motioned appointing Ron Olsen, doing business as Olsen Craft Associates, LLC, as Township Engineer with fees as set by the 2017 Fee Schedule, Resolution No. 2017-01-05. Frenchak seconded. Motion carried.***

D. Recommending Boards, Committees and Persons

1. Planning Commission Resolution No. 2017-01-01: ***Latuska motioned adopting Resolution No. 2017-01-01 appointing Thomas G. Schiebel to the Planning Commission for the term of January 1, 2017 through December 31, 2020. Flatt seconded. Motion carried.***
2. Zoning Hearing Board Resolution No. 2017-01-03: ***Latuska motioned adopting Resolution No. 2017-01-03 appointing Allan E. Whitmire to the Zoning Hearing Board for the term of January 1, 2017 through December 31, 2019. Flatt seconded. Motion carried.***
3. UCC Appeals Board Resolution No. 2017-01-03: ***Latuska motioned adopting Resolution No. 2017-01-03 appointing Frank J. Rodgers to the Uniform Construction Code Appeals Board for the term of January 1, 2017 through December 31, 2021. Smallwood seconded. Motion carried.***
4. TCC Delegate Resolution No. 2017-01-04: ***Latuska motioned adopting Resolution No. 2017-01-04 appointing Gary Rauschenberger, Edward Latuska and Ronald Flatt as Butler County Tax Collection Committee delegates. Smallwood seconded. Motion carried.***
5. Emergency Management Coordinator: ***Latuska motioned appointing Randy Brown as Emergency Management Coordinator. Smallwood seconded. Motion carried.***

ESTABLISHING MEETING DATES, TIMES AND LOCATION:

- A. Regular Business Meetings: ***Latuska motioned scheduling the Regular Business Meetings at 6:30 p.m. on the second (2nd) Wednesday of each month to be held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001. Flatt seconded. Motion carried.*** The Regular Business Meeting dates are:

February 8	March 8	April 12
May 10	June 14	July 12
August 9	September 13	October 11
November 8	December 13	

- B. Agenda Setting Meetings: ***Latuska motioned scheduling the Agenda Setting Meetings for the Monday before the second (2nd) Wednesday of each month except October (Columbus Day) to be held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler, PA 16001. Smallwood seconded. Motion carried.*** The Agenda Setting Meetings are:

February 6	March 6	April 10
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May 8
 August 7
 November 6

June 12
 September 11
 December 11

July 10
 Tuesday, October 10

- C. Reorganization/Regular Agenda Meeting: *Latuska motioned setting the 2018 Reorganizational Agenda Setting Meeting for Wednesday, December 27, 2017 to be held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001. Flatt seconded. Motion carried.*
- D. Reorganization/Regular Meeting: *Latuska motioned setting the 2018 Reorganization/Regular Meeting for Tuesday, January 2, 2018 to be held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001. Flatt seconded. Motion carried.*

CERTIFY DELEGATE OF STATE ASSOCIATION’S CONVENTION: There was no interest in attending the State Association’s Convention.

MILEAGE REIMBURSEMENT RATE: The Internal Revenues Service (IRS) established the mileage rate for 2017 at \$.535 per mile. *Latuska motioned to pay the Internal Revenue Service 2017 mileage rate of \$.535 per mile. Smallwood seconded. Motion carried.*

APPOINTMENT OF DEPOSITORIES: *Latuska motioned appointing NexTier Bank as the Township Depository. Flatt seconded. Motion carried.*

APPOINTMENT OF AUTHORIZED SIGNERS: *Latuska motioned appointing authorized signers as Ronald Flatt, Kenneth Frenchak, Edward Latuska, Alan Smallwood, Philip Wulff, and Anthony Amendolea to sign checks which require two (2) supervisors’ signatures and Township Secretary/Treasurer’s signature. Wulff seconded. Motion carried.*

APPOINTMENT OF PERSON TO MAKE DEPOSITS: *Latuska motioned appointing Philip Wulff to deposit receipts. Flatt seconded. Motion carried.*

HOLIDAYS FOR NON-UNION EMPLOYEES: *Latuska motioned authorizing non-union employees to observe the same holiday schedule as union employees. Smallwood seconded. Motion carried.*

FEE RESOLUTION NO. 2017-01-05: *Latuska motioned adopting the 2017 Fee Schedule Resolution No. 2017-01-05. Flatt seconded. Frenchak against. Motion carried 4 to 1.*

REGULAR MEETING AGENDA

PUBLIC TO BE HEARD:

- 1. Mr. Nathan Wulff, 5168 McCandless Road: Mr. Wulff presented the Unionville Volunteer Fire Company for December 2016 as.

Type of Calls	Number of Calls
Motor vehicle accidents	11
Automatic fire alarms	17
Service calls	1
Structure fires	1
Medicals	2
Brush fires	0
Dive calls	0
Vehicle fires	0
Total	32

MINUTES:

1. Agenda Setting Meeting – December 12, 2016: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, December 12, 2016. Wulff seconded. Motion carried.*
2. Regular Meeting – December 14, 2016: *Latuska motioned approving the minutes of the Regular Meeting held on Wednesday, December 14, 2016. Flatt seconded. Motion carried.*
3. Reorganization/Regular Agenda Setting Meeting - December 28, 2016: *Latuska motioned approving the minutes of the Reorganization/Regular Agenda Setting Meeting held on Wednesday, December 28, 2016. Flatt seconded. Motion carried.*

TREASURER'S REPORT:

1. December 2016: *Latuska motioned approving the December 2016 Treasurer's Report. Wulff seconded. Motion carried.*
2. Warrant List 16-12-24: *Latuska motioned approving Warrant List 16-12-24. Wulff seconded. Motion carried.*
3. Warrant List 16-12-25: *Latuska motioned approving Warrant List 16-12-25. Flatt seconded. Motion carried.*
4. Warrant List 17-01-01: *Latuska motioned approving Warrant List 17-01-01. Flatt seconded. Motion carried.*

ZONING REPORT: December 2016: Construction costs were \$96,124.00 fees collected were \$573.51.

SUBDIVISION & LAND DEVELOPMENTS:

1. Blain/Kerr Minor Subdivision No. 2016-11-11, Final, Expires 02/13/2017: Mr. Larry Blain presented. Mr. Blain proposes to convey .04 acres (m/l) from Center Township Map 060-S19-C10 to Center Township Map 060-2F63-11/2. Butler County Planning Commission had no comments per letter dated October 5, 2016. Township Engineer Olsen comments are, as follows:
 - a. The plan of subdivision was discussed at the last Planning Commission meeting with the conclusion that County Tax Assessment Maps show that parcel 60-S19-C10 does not exist and lots with areas less than 0.50 acres (excluding road rights of way) do not meet the Township Zoning Ordinance. The Project Surveyor has therefore shown a property line in the center of Arthur Drive to be deleted; this plan will therefore create a 0.04 acre parcel (proposed lot 1A) which will be conveyed to D. Kerr and a consolidated remnant parcel of Blain with an area of 2.69 acres. This should meet Township Ordinance regulations.
 - b. Since the intent of the plan is that Lot 1A will be combined with other lands of Kerr, a signature block for Kerr should be added to the plan to be recorded.

The Planning Commission recommended final approval of the Blain/Kerr Minor Subdivision No. 2016-11-11. *Latuska motioned, based on the Planning Commission's and Township Engineer Olsen's recommendations, granting final approval to the Blain/Kerr Minor Subdivision No. 2016-11-11. Flatt seconded. Motion carried.*

OLD BUSINESS:

1. Boarts Ag Security Resolution No. 2017-01-06: Gary G. and Sarah S. Boarts submitted an application on June 20, 2016 to add 14.9 acres (m/l) to the Center Township Agricultural Security Area. The one hundred eighty (180) days expired. ***Latuska motioned adopting the Boarts Ag Security Resolution No. 2017-01-06 adding fourteen point nine (14.9) acres (m/l) to the Center Township Agricultural Security Area. Smallwood seconded. Motion carried.***
2. Schneider Ag Security Resolution No. 2017-01-07: Michael P. and Cindy Schneider submitted an application on June 29, 2016 to add twenty-six (26) acres (m/l) to the Center Township Agricultural Security Area. The one hundred eighty (180) days expired. ***Latuska motioned adopting the Schneider Ag Security Resolution No. 2017-01-07 adding twenty-six (26) acres (m/l) to the Center Township Agricultural Security Area. Smallwood seconded. Motion carried.***

NEW BUSINESS:

1. Release 2016 Fire Tax: ***Latuska motioned authorizing the release of \$105,000 from the 2016 Fire Tax to Unionville Volunteer Fire Company. Flatt seconded. Motion carried.***
2. Sewage Holding Tank Ordinance No. 2017-01-01: Sewage Enforcement Officer Doug Duncan suggested updating the current holding tank ordinance. ***Latuska motioned adopting the Sewage Holding Tank Ordinance No. 2017-01-01. Wulff seconded. Motion carried.***
3. Appoint Comprehensive Plan Review Committee: The Board requests the Planning Commission review the Center Township Comprehensive Plan. ***Latuska motioned recommending the Planning Commission provide the Board of Supervisors a list of individuals interested in assisting with the review of the Center Township Comprehensive Plan for final approval by the Board no later than March 31, 2017. Wulff seconded. Motion carried.***
4. Proposed Planned Residential Development Ordinance: Mr. Robert Brennan explained the reason for a year delay to propose a Planned Residential Development was due to the original plan having paper streets and the title search company would not permit development on the paper streets. Schiebel stated his plan was to review the original ordinance with the Planning Commission and make a recommendation to the Board of Supervisors. Brennan provided a copy of the original ordinance with a few modifications, which were:
 - a. Section 18.06 - added to single family semi-detached "*or detached*" and to single family, attached [townhouses] "*triplexes or quadrplexes*".
 - b. Added Section 18.06, item B, which reads "*Auxiliary Structures: Structures such as clubhouse, pool and other recreational facilities serving the permitted residential uses are permitted.*"
 - c. Section 18.08 - to read private "*and street*" right-of-way lines.
 - d. Section 18.11 - Delete 12 and 18 dwelling units per structure.
 - e. Section 18.12 - Add "*If a Planned Residential Development is located in more than one township, then this requirement will be applied to the project overall.*"

Sloan prefers the single family plan consisting of 107 units. He is concerned with the one (1) entrance and one (1) exit but feels that individuals may be able to exit and enter during

emergency situations. He prefers that planned residential development be permitted in the R-2, Multi-Family Residential District and not use an overlay.

Schiebel prefers that it be permitted in the R-2, Multi-Family Residential District only and do not use an overlay.

Ashbaugh, Cavaliero and McCollough agreed with Schiebel and Sloan.

The Planning Commission recommended adopting (1) the original Planned Residential Development ordinance with modifications, as noted, be review by the Board of Supervisors and Township Solicitor Gallagher and (2) be a permitted use in the R-2, Multi-Family Residential District only.

Brennan stated he preferred using interior yard dimensions instead of setbacks to lay out buildings. Wulff suggested (1) changing side to side from fifteen (15) feet to twenty (20) feet to reduce the fire hazard and (2) setting building height to thirty-five (35) feet to conform with other zoning districts. Planned Residential Developments are considered on a case by case basis. Township Solicitor Gallagher suggested having a setback of thirty (30) feet to prevent vehicles parked in driveways from blocking sidewalks. ***Latuska motioned authorizing Township Solicitor Gallagher to prepare an ordinance with Wulff's recommendations and ad to advertise a public hearing on Monday, March 6, 2017 at 6:00 p.m.***

PUBLIC WORKS:

1. Release Clearwater Construction Road Bond (Glenwood Way): ***Latuska motioned, based on Step Up Foreman Brewster's recommendation, authorizing the release of \$1,625.00 to Clearwater Construction road bond. Smallwood seconded. Motion carried.***

ENGINEER'S REPORT:

1. Lakewood Drive/Hull Lake Repair: Township Engineer Olsen proposes the following:
 - a. Preparation or drawings verifying the existing physical conditions or the dam and lake.
 - 1) Olsen Craft intends to prepare these drawings as economically as possible, using aerial photos and topographic maps available through the LIDAR mapping program based on Commonwealth or Pennsylvania/Penn State University publications as supplemented by field survey work directed by our office.
 - 2) The reinforced concrete box culvert spillway and approach weir box will be measured and field located both horizontally and vertically to ensure that if replaced, it can be reconstructed exactly as now existing.
 - 3) Lake water surface mapping and storage volume determinations will be based upon existing aerial topographic maps augmented by historical records including USGS maps available from t he federal government and which predate t he construction or the lake.
 - 4) Individual trees on the dam breast works with a caliper of 3" and larger will be field located.
 - b. Risk Assessment - A risk assessment will be prepared based upon dam height, watershed area, and water storage volume along with an opinion of probable property damages or possible loss of life, that could be expected from a dam failure. A suggested update of PaDEP dam risk category will be prepared and submitted to the PaDEP.
 - c. Dam Inspection - A Dam inspection generally following the format of the publication Inspection, Maintenance and Operation of Dams in Pennsylvania by Lewis, Blink and Muller (1985) as revised 2009 and reprinted 2013 will be followed. A signed and scaled clam inspection report will be prepared and filed with the PaDEP. This report will note deficiencies apparent from a visual inspection of the

darn and will list recommended necessary repairs.

d. Spillway Repair Design

- 1) The condition of the partially collapsed reinforced concrete primary spillway will be drawn up in detail.
- 2) The public waterline located above the collapsed portion or the spillway will be hand excavated so t hat its exact location and depth below grade (and above the spillway) can be noted.
- 3) A partial new box culvert will he designed to replace the failing section of box culvert.
- 4) The upstream weir box and wing walls will be designed for replacement or repair.

e. Spillway Replacement (ALTERNATE)

- 1) If the existing reinforced cement concrete box culvert is determined to be in need of total replacement, a more economical design, possibly involving the substitution of circular pipes in place of the rectangular box culvert, may be proposed.
- 2) Any new spillway design will involve a hydrologic/hydraulic analysis of the dam and lake in order to prove that the proposed new spillway can pass the PaDEP-mandated design year storms. This analysis will involve a USDA Technical Release 55 computer storm routing analysis. A stage/storage model of the existing lake will be prepared. Since the dam does not have a separate emergency spillway, the alternate primary spillway design will need to be analyzed to justify its use as both a primary spillway and emergency spillway.

f. Breastworks Tree Removal Design

- 1) Since trees within an earth dam breastworks weakens the dam, trees will necessarily be field located and itemized for removal.
- 2) Soils or the existing dam will be sampled and sent to a soils laboratory for testing and analysis of maximum dry density.
- 3) After trees removed, soils will necessarily be tested for adequate compaction during restoration.

g. Construction Repairs Bidding

- 1) Technical Specifications will be prepared for all dam spillway repairs.
- 2) Technical Specifications will be prepared for other dam repairs.
- 3) Advertisements for bidding and contract documents will be prepared.

h. Construction Phase Services

- 1) Repairs to the cement concrete spillway will be field monitored.
- 2) A preliminary opinion of probable costs or design services is as follows:

Phase	Item Cost	Suggested % of Cost Assigned to Residents Association	Suggested % of Cost Assigned to Center Township
a	\$3,500.00	50% - \$1,750	50% - \$1,750
b	\$1,000.00	100% - \$1,000	0%
c	\$1,000.00	50% - \$500	50% - \$500
d	\$4,000.00	50% - \$2,000	50% - \$2,000
e (Alternate)	\$4,000.00	50% - \$2,000	50% - \$2,000
f	\$500.00	100% - \$500	0%
g (1)	\$1,000.00	50% - \$500	50% - \$500
g (2)	\$1,000.00	50% - \$500	50% - \$500
g (3)	\$1,000.00	50% - \$500	50% - \$500
h (1)	\$1,000.00	50% - \$500	50% - \$500
h (2)	\$1,000.00	100% - \$1,000	0%
Total Excluding d or e	\$15,000	\$9,250	\$5,750

Latuska motioned authorizing Township Secretary/Treasurer Amendolea to forward an agreement to the Hull Lake Resident's Association for review. Frenchak seconded. Motion carried.

2. Bole's Stormwater: Township Engineer Olsen recommends the following action:
 - a. Contact the following affected adjoining property owners and explain the proposed project to them and request a temporary construction easement from them over their other lands to simplify and minimize project costs. Otherwise, all work would have to be done within the 10' wide easement which may result in extensive hand work. Affected property owners are:
 - 1) Vaughan
 - 2) Daugherty
 - 3) Bellis
 - 4) Banister
 - b. Based upon initial verbal approval as described in (1) above, request the Solicitor to prepare Temporary Construction Easement Agreements for signatures. Solicitor Gallagher has in the past stated that temporary construction easements may not require recording but this should be verified.
 - c. Confer with the Township Public Works crew and decide if this project can be accomplished by the Township or if this project should be done by a private contractor selected after public advertisements for services.
 - d. If the project is to be done by the Township, discuss what would be the needs of the Road Crew. We suggest that the rock riprap remain as existing and that the existing 8" diameter pipe be replaced with 15" diameter pipe starting from the bottom and working toward the top. Our design calls for installing a 4' deep inlet about 30' south (upgrade) from the end of the existing riprap with the new 15" diameter pipe installed at about 2.5% slope (about 1/4" rise per foot length) up to the new inlet in order to slow the runoff down before it enters the existing riprap channel. This level section of pipe is proposed to prevent erosion and wash out of the rock riprap during any major storm.
 - e. We recommend that new 15" diameter pipe be installed all the way to the top of the hill including across La Ray Drive where 3 new inlets are shown. If the Township is doing all work, we can get Greg's opinion of the least expensive and easiest way for him to do this work (and perhaps modify the design' to meet his suggestions). A Pa One Call needs to be done to check if any underground utilities are located within the southern shoulder of La Ray Drive. We have registered a "design one-call" in an attempt to obtain underground utilities locations.
 - f. If the Township decides that this project should be publicly bid and done by an outside contractor, we will necessarily have to prepare technical specifications, bids, bond forms, advertisements, agreements, notices of award/proceed and so forth and advertise in the local newspaper as required by the Second-Class Township Code. If the project is expected to cost over \$25,000, the project will have to be bid with a condition that the Pa Prevailing Wage Rates are applicable.

Latuska motioned authorizing Township Secretary/Treasurer Amendolea to send letter to Mr. Ronald Bole to confirm that his french drains are in proper working order. Smallwood seconded. Motion carried.

SOLICITOR'S REPORT:

1. Beblo Hold Harmless Agreement: Township Engineer Olsen completed utility locations and property surveys. He provided Exhibit drawings for Township Solicitor Gallagher to included in the Hold Harmless agreement. Mr. Beblo is requesting the Township be responsible for the stormwater once the corrections have been made. ***Latuska motioned rejecting Mr. Beblo's request for the Township to be responsible for the stormwater after the corrections are made. Smallwood seconded. Motion carried.***

2. Cypher's Stormwater Agreement: Dr. Cypher's attorney, Mr. Gary Hunt, contacted Township Solicitor Gallagher to make the following changes to the agreement:

- a. Typo - Fourth Whereas clause - remove "to his property"
- b. Typo - Paragraph 4 - "detention" misspelled.
- c. Dr. Cypher is willing to release Dr. Harvey for claims relating to the water runoff. However, he cannot "... hold harmless and indemnify Harvey" as noted in Paragraph 4. He does not have such an obligation now, and I am sure you can understand that he is not willing to undertake such an obligation. I believe that concern can be addressed by breaking paragraph 4 into two paragraphs, providing as follows:
 - 1) Center Township agrees that it shall release, hold harmless and indemnify Harvey from any and all claims related to or arising out of the storm water flows from the storm water detention pond located on the Harvey tract.
 - 2) Cypher agrees that they shall release Harvey from any and all claims related to or arising out of the storm water flows from the storm water detention pond located on the Harvey tract.
- d. Although I believe the intent of the agreement is to leave open any issues that may remain open between Dr. Cypher and the Township, please add a paragraph to the agreement to reflect that intent. I have set forth suggested language below.
 - 1) Center Township agrees that this Agreement shall not be interpreted as a release of any claims or causes of action, if any, that Cypher has or may have against the Township arising out of the flow of water from or across Sunset Drive unto the property of Cypher. Cypher agrees that this Agreement shall not be interpreted as an admission of liability by Center Township and that Center Township does not release any defenses, affirmative defenses or counterclaims it may have against Cypher.

Gallagher submitted the amended agreement to Dr. Cypher, Dr. Harvey and Mr. Giles for their signatures. Once their signatures are received, the Board will finalize the agreement.

MISCELLANEOUS:

- 1. Planned Residential Development: Step Up Foreman Brewster stated that without installation of OSB which provides fifteen (15) minutes of burn time before the fire spreads to other buildings. Average car length is sixteen (16) feet which would not meet the thirty (30) foot setback.

ADJOURNMENT:

The meeting adjourned to an executive session to discuss possible litigation and personnel at 7:55 p.m. The meeting reconvened at 8:59 p.m. with no action taken.

Latuska made a motion to adjourn at 9:00 p.m. Flatt 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