

**MINUTES OF THE
REGULAR MEETING HELD
January 19, 2015**

The regular meeting of the Butler Township Board of Commissioners was held on January 19, 2015 at 6:30 p.m. at the Butler Township Municipal Building, 290 S. Duffy Road, Butler, PA 16001. The following Commissioners were present: Pres. Joe Hasychak, Vice-Pres. Dave Zarnick, Commis. Joe Wiest, Commis. Sam Zurzolo and Commis. Charles M. Nedz. Pres. Hasychak called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag.

Also present were Manager Ed Kirkwood, Solicitor Larry Lutz, Engineer Dan Deiseroth, Engineer Bill Braun, and Zoning Officer Jesse Hines.

President Hasychak announced that the Board held an executive session at 6:00 p.m. to discuss personnel issues.

Pres. Hasychak asked if there were any corrections or additions to the minutes of the January 5, 2015 meeting. There being none, the minutes will stand as presented.

Pres. Hasychak noted receipt of the monthly reports for the Fire/Zoning Departments.

President Hasychak stated that Commissioner Zarnick and he will be in Harrisburg with executive membership of the PSATC, returning on Tuesday, February 3, 2015. President Hasychak motioned to cancel the February 2nd meeting and advertise the rescheduling of the meeting to Wednesday, February 4, 2015, seconded by Commis. Nedz and carried unanimously.

Commis. Zurzolo reported on the Citizens Police Academy which is commencing Tuesday, January 20th with twenty-two participants.

Commis. Zarnick reported that a Fire Commission meeting will be held on Wednesday, January 21, 2015.

Zoning Officer Hines reported a letter was received from the Butler Retail Plan requesting an extension and they will come before the board at a future date.

Manager Kirkwood reported that a Park Master Plan meeting is scheduled for January 28th at 7:00 p.m. and is open to the public.

Commis. Hasychak asked for public comment on agenda items.

Wayne Brumagin, 133 Westwood Manor, commented on other low income housing plans and stated that they are bad.

George Shockey, 250 South Duffy Road, commented on the Ritenour plan and stated that the township's hands are tied if the plan meets the requirements. He stated that the property was for sale for ten years.

Mark Krenitsky, 130 Winterwood Drive, stated that rentals are needed in the township and we need good housing.

Tom Rajchel, 116 Westwood Manor, stated that property values will decline.

Jonathan Giles, no address given, stated that he has lived here a long time and believes the social experiment is one Butler Township should avoid.

Carmela Columbus, 154 Westwood Manor, commented that her back yard will be against the new development. She is concerned about the property values and the traffic through her back yard. She would like the development moved to another location.

Karen Marshall, 208 North Duffy Road, commented on the traffic in front of her house. She has problems getting out of her driveway because of the traffic. She commented on the litter along the roadway.

Dave Dorcy, 118 Westwood Manor, quoted Edmund Burke, "For evil to triumph, good men do nothing." He asked about a report from the DEP of whether there were any chemicals dumped on the Ritenour Property from the previous business that existed there. He is against the development on the property.

Tom Edwards, 314 Westbrook Drive, commented on the traffic conditions on North Duffy Road. He asked for a traffic light at Duffy and Westbrook Drive. He stated his objections to the development and other recent decisions of the board.

Arlene Sutton, 180 Westwood Manor, stated the development has been a lie from the beginning. They were told that low income housing would not be put in when the zoning change was introduced. She stated that no one will want to buy her house because her property is against the new development. She stated that the township does not care. The development is not right.

Leonard Sutton, 180 Westwood Manor, commented on the statement that if the development is not allowed the WODA Group will sue. If the WODA Group is known as a good neighbor then why would they sue if they know that none of the neighbors want the development?

Leo Domachowski, 156 Westwood Manor, asked why this issue cannot be sent back to the Planning Commission for review.

Wayne Brumagin, 133 Westwood Manor, commented on the VA drug treatment plan and that they are in the top ten for participants not going back to drug use. He stated that he grew up in the housing projects and it is not good what goes on in these plans.

Jane Slater, 116 Easy Street, commented on the water flow problems in the area near her house.

Mike Collins, 175 Westwood Manor, stated that there are seventy-five taxpayers in the room that would back the board if they voted no on the Ritenour development plan. The board owes the taxpayers to take the issue one step further and see what happens.

Jim Slater, 116 Easy Street, asked if there was research done on why there are only fifty units being constructed on the Ritenour Property. With fifty or less units there are no restrictions.

Tim McCalman, 101 Charles Drive, stated that he just moved into his house in May and paid \$105,000.00 for his house. He stated that when you put in this kind of housing the property values in the area drop. He asked if the neighbors will get subsidies because of the loss in property values. Will there be increased police presence in the area because of the crime potential.

Nick Gicie, 162 Westwood Manor, stated that the board was elected to represent the township residents. He stated that he worked for Section 8 housing. It was horrible and a disaster. He asked if they would want the development in their back yard.

Jim Slater, 116 Easy Street, went to visit the development in Slippery Rock. He commented that the fire department stated that they are called to the development all of the time.

Craig Snyder, 120 Westwood Manor, commented that the government is no longer representing the people.

Tim McCalman, 101 Charles Drive, commented on the water issues and asked if a private civil engineer could be hired to review the development plans.

Solicitor Lutz stated the township role pertaining to the Thompson Greene Land Development. He stated that the property is zoned R-2 and the proposed usage is a permitted use. If the owner of the land meets all of the requirements of the ordinances the township has no legal basis to deny the owner the right to use its property. Based on the many comments that have been heard, there is a misconception as to the role of the township regarding land development. The township does not have the right to prevent land owners from developing property simply because the board or the residents think the proposed usage would be better somewhere else. Land owners have a general right to develop their property. Municipalities have a limited power granted by the state legislature under a law called the Municipality Planning Code, to place restrictions on what people can do with their land. Butler Township elected to use these powers to develop a comprehensive plan and a zoning ordinance. Butler Township has no power to do anything more than enforce its ordinances. It cannot deny a land owners application for development simply because the board and/or other land owners do not like the development, nor can it deny property rights without referring to a specific failure to comply with our ordinances. The Woda Group, like any other of the numerous land owners seeking municipal approval in Butler Township applied to the township for a permit. The township has a full time land development coordinator/zoning officer, Jesse Hines, who reviews these applications and discusses any concerns, when necessary, with the township's engineer and solicitor. The zoning officer will then work with the land owner to make sure the application comports with each and every township requirement. Other governmental agencies also may require approvals in certain aspects of development. The planning commission, made up of volunteer citizens, provide guidance and expertise to ensure compliance with the township rules. After this process, the township commissioners provide a final review. At that point the board has very limited choices. It can either approve the plan or deny it. If it denies the plan, it must tell the land owner very specifically why it is denying the plan and the denial can only be based on the failure of the

plan to comply with the specific ordinance. The zoning officer, township engineer and the solicitor have thoroughly reviewed the ordinances to determine if this development meets all of the requirements and it does. The township, therefore, in the solicitor's opinion has no legal right or basis to deny the plan.

Donald Graham, from Dillon, McCandless, Coulter, Porter & Graham, representing the Woda Group, along with Andy Cowen from the Woda Group and Mike Ogen from Gateway Engineers were present. Mr. Graham stated that they have supplied the information requested by the township and all of the issues that have been raised throughout this planning process. He stated that concerning the environmental issue that was raised, there has been a phase one environmental investigation completed on the property by an independent engineer. No contamination was found. He stated that concerning another issue brought up at this meeting, this development is not HUD housing. It is the affordable tax credit program that is offered under the Internal Revenue Code. A discussion followed. Mike Ogen, 201 South Main Street, Gateway Engineers, presented plans showing that six foot fencing has been added to the design plan along the northern property line which the Woda Group will maintain, in addition to the landscaping buffer. A forty-two inch high highway fence has been added along the Route 422 border.

Motion by Commis. Nedz to grant a modification from Butler Township's Stormwater Ordinance, Chapter 242-19 Required Buffers to waive the 50' riparian buffer requirement, seconded by Commis. Wiest and carried unanimously.

Motion by Commis. Nedz to pass Resolution 15-02 granting final approval of the Thompson Greene Land Development contingent upon the developer posting financial security in an amount and form acceptable to the Township Solicitor and executed Developer's Agreement, seconded by Commis. Wiest and carried unanimously.

Mike Ogen, Gateway Engineers, representing Keystone Ridge Land Development along with Arthur Slater, CEO of Keystone Ridge, presented the land development plans.

Engineer Braun presented an overview of the application and recommended approval of the plan contingent upon Senate Engineer letter dated January 16, 2015.

Motion by Commis. Nedz to pass Resolution 15-03, granting final approval of the Keystone Ridge Land Development contingent upon compliance with Senate Engineering Company's letter dated January 16, 2015, #10996; Financial security in an amount and form acceptable to the Township Solicitor; and executed Developer's Agreement, seconded by Commis. Wiest and carried unanimously.

Bruce Bryner, Jr. presented final information for the Butler Winter X event to be held on Sunday, February 8, 2015. Commis. Zarnick stated that based on conversations with the Fire Marshall, the bleachers from the dek hockey are not to be moved and any temporary stage that was brought in is to have railings. Also, no alcohol is to be served. All necessary paperwork is to be turned in to Manager Kirkwood by 12:00 noon on Tuesday, January 20, 2015.

Engineer Braun recommended the improvement bond for the Hampton Inn be released upon receipt of an 18-month Maintenance Bond in the amount of \$57,555.90.

Motion by Commis. Nedz to release the Hampton Inn Bond No. 09139289 in the name of Butler Hotel Associates, LP in the amount of \$353,106.10 upon receipt of an 18-month Maintenance Bond in the amount of \$57,555.90, seconded by Commis. Zarnick and carried unanimously.

Motion by Commis. Nedz to release the PPC Lubricants Bond No. 285036617 in the amount of \$7,394.20 and waive the requirement to post an 18-month Maintenance Bond, seconded by Commis. Zarnick and carried unanimously.

Zoning Officer Hines recommended approval of the Dollar General (Butler 68 DPP X, LLC) final approval extension until April 20, 2015.

Motion by Commis. Nedz to pass Resolution 15-04, extending the Dollar General (Butler 68 DPP X, LLC) final approval until April 20, 2015, seconded by Commis. Zarnick and carried unanimously.

Motion by Commis. Hasychak to authorize Berkheimer, Inc. to collect the 2014 Delinquent Per Capita Taxes, seconded by Commis. Zarnick and carried unanimously.

Commis. Zurzolo read a letter from Chief John Hays recommending Patrolman Max Wittlinger be granted permanent status in the Butler Township Police Department.

Motion by Commis. Zurzolo to approve the granting of permanent status to Patrolman Max Wittlinger in the Butler Township Police Department, seconded by Commis. Nedz and carried unanimously.

Manager Kirkwood opened the Fuel Bidders proposals.

Name	Service Provided
Glassmere Fuel Service	Unleaded Gasoline, #2 Diesel Fuel
Purvis Brothers, Inc.	Unleaded Gasoline, #2 Diesel Fuel
Butler Petroleum	Unleaded Gasoline, #2 Diesel Fuel

Motion by Commis. Zarnick to approve the three fuel bidder proposals to provide fuel to Butler Township in 2015, seconded by Commis Zurzolo and carried unanimously.

Manager Kirkwood presented the 2015 thru 2016 Senior Office Assistant Contract for the Police Department.

Motion by Commis. Zarnick to ratify the Senior Office Assistant Contract for 2015 thru 2016 as presented, seconded by Commis. Hasychak and carried unanimously.

Manager Kirkwood presented the 2015 thru 2016 Road Department Contract.

Motion by Commis. Hasychak to ratify the 2015 thru 2016 Road Department Contract as presented, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood read the letter dated January 8, 2015 from Mary E. Matis, senior office assistant, giving notice of her retirement as of March 12, 2015.

Motion by Commis. Zurzolo to accept the retirement of Senior Office Assistant Mary E. Matis, effective March 12, 2015, seconded by Commis. Nedz and carried unanimously.

Manager Kirkwood noted receipt of the 2013 Liquid Fuels Tax Audit. There were no findings or observations.

Manager Kirkwood presented the agreement with Butler Presbyterian Housing for payment in lieu of taxes. It is a five year agreement that needs to be renewed.

Motion by Commis. Zarnick to approve the Payment in Lieu of Taxes Agreement with Butler Presbyterian Housing, seconded by Commis. Nedz and carried unanimously.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund -\$181,156.10; Highway Aid Fund - \$21,531.87; Park Development Fund - \$618.79; General Fund (added after December Bills Report) - \$143,812.61; Highway Aid (paid after December Bills Report) - \$4,583.96; Payroll Fund (prior month) - \$357,164.49.

A motion was made by Commis. Hasychak to pay the bills as per the bills report, seconded by Commis. Zarnick, and carried unanimously.

Commis. Hasychak asked for public comment on any item of concern.

Karen Marshall, 208 North Duffy Road, requested a traffic study be done to possibly reduce the speed around the new developments. She also requested that something be done about the litter in the areas around North Duffy Road. Commis. Zarnick stated that he would make arrangements for the community service workers to have a detail in that area to clean up the litter. Manager Kirkwood stated that a traffic study would be done to see if the speed limit can be reduced to twenty-five miles per hour on that section of North Duffy Road.

Jennifer Carlberg, 382 New Castle Road, commented on a traffic accident at New Castle Road and Eberhart Road. She volunteered her time to look at the overall picture of the traffic in the area. She asked a question of Zoning Officer Hines about the Dick's development. Zoning Officer Hines stated that they were granted a thirty day extension and will tentatively be on the February 16th agenda.

Questions were taken from the media.

A motion was made by Commis. Zarnick to adjourn the meeting at 8:58 PM, seconded by Commis. Zurzolo and carried unanimously.

Theresa Giesler