

**MINUTES OF THE
REGULAR MEETING HELD
February 15, 2016**

The regular meeting of the Butler Township Board of Commissioners was held on February 15, 2016 at 6:30 p.m. at the Butler Township Municipal Building, 290 S. Duffy Road, Butler, PA 16001. The following Commissioners were present: Pres. Dave Zarnick, Vice-Pres. Sam Zurzolo, Commis. Charles M. Nedz and Commis. James Lokhaiser, Jr. Commis. Joe Wiest was absent.

Also present were Manager Ed Kirkwood, Solicitor Larry Lutz, Zoning Officer Jesse Hines, Chief of Police John Hays, and Township Engineer Brian Flaugh.

Commis. Zarnick called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag.

Commis. Zarnick asked if there were any corrections or additions to the minutes of the February 1, 2016 meeting. There being none, the minutes will stand as presented.

Commis. Zarnick noted receipt of the monthly Fire/Zoning report.

Commis. Nedz had nothing to report.

Commis. Zurzolo had nothing to report.

Commis. Lokhaiser reported that South Butler VFD will be holding their fish dinners on Fridays through March 25, 2016 starting at 4:00 PM. The cost is \$10.00 for adults and \$5.00 for children under 10.

Commis. Zarnick reported that Manager Kirkwood and he attended a meeting at the County Commissioners office to discuss the solid waste ordinance. Butler Township will once again be participating in the Pennsylvania Clean Up Program. Anyone interested in participating in this program is to contact the township Administration Office. The township provides gloves, vests and garbage bags to anyone interested in cleaning up a road way in Butler Township.

Commis. Zarnick reported that he will be attending a meeting in Harrisburg with the Pennsylvania Association of Township Commissioners at the end of the month. They will be discussing items of mutual interest throughout the state. Following that meeting he will be attending a meeting with Manager Kirkwood in Harrisburg. They have been appointed to a committee to help rewrite the First Class Township Code.

Commis. Zarnick reported that there was a meeting with the Township Volunteer Fire Departments on February 3, 2016.

Commis. Zarnick reported that Manager Kirkwood, Zoning Officer Hines and he attended a meeting at the Unionville Fire Hall to discuss the ongoing Cambridge Health Care Project.

Zoning Officer Hines reported on the Southwestern Pennsylvania Commission Regional Traffic Signal Program. Butler Township and the City of Butler jointly applied for Sink Up Funding to go towards the repair of traffic control systems within the municipalities. The Township and the City received an 80/20 matching grant to repair 18 traffic lights, ten in Butler Township and eight in the City of Butler. A report on the program and the projected costs was presented to the commissioners.

Zoning Officer Hines presented a summary of the annual report of the Zoning/Building and Fire Departments.

Engineer Flaugh reported on the progress of the Storm Water Projects. The contractor will be completing work on the Bessemer Avenue repairs this week. The Colleen Drive repair will be starting. Township Line Road repairs are scheduled to begin in the spring and Cupps Road repairs will start in the summer.

Chief Hays reported he has received notification that the Pennsylvania Liquor Control Board has approved the township's petition regarding the compliance with Section 493 of the Liquor Code pertaining to amplified sound. The township police department will be responsible for the enforcement of the ordinance through the township noise ordinance, effective immediately.

Chief Hays stated that the Police Department Annual Report was distributed at the previous meeting. He is available if anyone has any questions.

Solicitor Lutz read a prepared statement pertaining to recent matters the township has had with Center Township. A copy of this statement is attached to these minutes.

Manager Kirkwood reported that the Sink Up Grant that Zoning Officer Hines reported on has a value in excess of \$1.1 million dollars. Even though the Whitestown Road traffic signal are not included in the grant project, application has been made to PENN DOT for traffic control systems along Whitestown Road from Meridian Road to Hansen Avenue. The prospects of being awarded this grant are very favorable.

Manager Kirkwood reported that he has been in contact with West Penn Power to begin the process of converting the street lights within the township to LED lighting fixtures. West Penn Power plans to employ a third party independent contractor to do the conversion. The cost savings in converting to LED light fixtures will be around forty-five percent, which translates to around \$110,000.00 to \$115,000.00 annually based on current tariffs. After the contractor completes the installation of one hundred lights the new rate will go into effect for those lights. The township currently has 1,560 street lights. The installation process is expected to take ten to twelve months.

Commis. Zarnick asked Zoning Officer Hines who helped him write the Sink Up Grant Proposal. Zoning Officer Hines stated that Gateway Engineers put the application in for Butler Township and the City of Butler. Half of the cost for the traffic control system repair will be due in 2016, with the other half due in 2017. These costs were included in the 2016 Budget.

Commis. Zarnick asked for public comment on agenda items. There was none.

Boyd Emzer, of Fahringer McCarty Grey, Inc., 1610 Golden Mile Highway, Monroeville, PA and Keith McGraw, Sierra Butler Associates, 409 Broad Street, Sewickley, PA, presented information on the Sierra Butler Associates Plan No. 4 Subdivision.

Zoning Officer Hines presented additional information on the subdivision and recommended approval of the plan contingent upon revising the plan to note that the streetlight system shall be the perpetual right and responsibility of the developer to operate and maintain, posting of financial security in an amount and form acceptable to the Township Solicitor, and an executed Developer's Agreement. A discussion followed.

Engineer Flaugh stated that they have no objection to the plan, as presented.

Solicitor Lutz had no objection to the plan, as presented.

Motion by Commis. Nedz granting a modification to Section 252-23.B.(1) of the subdivision and land development ordinance to allow for the radius along the right of way to be greater than 50 foot. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Nedz granting a modification to Section 252-23.B.(3)(b) of the subdivision and land development ordinance to allow for the 15 foot one way roadway. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Nedz granting a modification to Section 252-25.B. of the subdivision and land development ordinance to allow for the odd shape Parcels A,B,C and D. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Nedz to pass Resolution 16-09, granting final approval the Sierra Butler Associates Plan No. 4 Subdivision contingent upon the following:

1. Revising the plan to note that the streetlight system shall be the perpetual right and responsibility of the developer to operate and maintain,
2. Posting of financial security in an amount and form acceptable to the Township Solicitor, and
3. Executed Developer's Agreement

Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Todd Best with Struxures Architecture/Construction, 3545 State Route 257, Seneca, PA, was in attendance representing the Dollar Tree Land Development.

Zoning Officer Hines presented information on the Dollar Tree Land Development. He recommended approval contingent upon compliance with Gateway Engineers' letter

dated February 12, 2016, posting of financial security in an amount and form acceptable to the Township Solicitor, and an executed Developer's Agreement.

Engineer Flaugh noted that the existing storm water pond on the property needs to be looked into to determine that it is functioning properly.

Mr. Best gave an overview of the dimensions of the proposed building.

Solicitor Lutz had no objection to the plan based on compliance with the contingencies.

Motion by Commis. Nedz to pass Resolution 16-10, granting final approval of the Dollar Tree Land Development contingent upon:

1. Compliance with Gateway Engineers' letter dated February 12, 2016,
2. Posting of financial security in an amount and form acceptable to the Township Solicitor, and
3. Executed Developer's Agreement

Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

James McCormick, representing the Sheetz Land Development, presented information on the Sheetz Land Development which involved the remodeling and expansion of the existing building. David Mastrostefano, permit engineering manager with Sheetz; Jim Green, professional engineer with GAL; and Chuck Wooster, traffic engineer with Wooster and Associates, were present to address any questions.

David Mastrostefano, 817 Brookfield Drive, Seven Fields, PA, presented additional information on the plan.

Zoning Officer Hines presented information on the Sheetz Land Development and recommended approval contingent upon compliance with posting of financial security in an amount and form acceptable to the Township Solicitor, and Executed Developer's Agreement. A discussion followed.

Engineer Flaugh had no additional comments.

Solicitor Lutz had no additional comments.

The discussion continued.

Dave Hazlet, director of real estate with Sheetz, presented information on the types of fuel available at the Sheetz locations.

Motion by Commis. Nedz to pass Resolution 16-11, granting final approval of the Sheetz Land Development contingent upon:

1. Posting of financial security in an amount and form acceptable to the Township Solicitor, and
2. Executed Developer's Agreement

Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood introduced the next agenda item by stating that an informational meeting was recently held with individuals of the Volunteer Fire Departments, members of the board of commissioners and himself. The fire departments were asked to provide information on how the township allocated funds were used within their departments. The fire department representatives were also asked to present their department's views on how the allocations were to be distributed. Some internal discussions concerning the allocation distribution have been held following this meeting. Through these meetings the following items were discussed: creating a grant writing committee that is made up of members of the three fire departments to seek out additional funding for the departments; Creating a long range plan for the fire service in the township.

Commis. Zarnick recommended creating a committee to evaluate the fire service within the township to determine a plan that best serves the township in the future.

Commis. Lokhaiser commented on the grant opportunities that are available for the fire departments. He also commented on the need to evaluate the future needs of the fire service within the township and how best to prepare for those needs. Being the newly appointed Fire Department Commissioner he plans on meeting with the individual fire departments and would like to see a committee created to discuss these issues.

Commis. Zurzolo recommended approving the allocation distribution for two years.

Motion by Commis. Lokhaiser to set the distribution of the method of funding to the Volunteer Fire Departments for 2016 at 56% for Butler Township Volunteer Fire District 3, 22 % for Mercer Road Volunteer Fire Department and 22 % for South Butler Volunteer Fire Department. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

The grant writing committee will be created, as soon as possible, with one representative appointed from each department. Commis. Lokhaiser, Fire Marshal Larry Christy and Manager Kirkwood will also participate on this committee. A discussion followed.

Manager Kirkwood presented the proposed 2016 Fee Schedule and recommended approval.

Motion by Commis. Zarnick to pass Resolution 16-12, 2016 Fee Schedule, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the annual Costars Salt Agreement and recommended approval.

Motion by Commis. Nedz to authorize participation in the Costars Salt Agreement for August 1, 2016 to July 31, 2017. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request for permission for Senior Office Assistant/TAC Officer Christine Pritts to attend the 2016 TAC Update Training on April 19, 2016 from 9:00 AM until 4:00 PM. There is no cost for this training. The training is mandatory for all TAC Officers. The township will pay for mileage and meals, if incurred.

Motion by Commis. Zurzolo granting permission for Senior Office Assistant/TAC Officer Christine Pritts to attend the 2016 TAC Update Training, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented his request for permission to attend the Pennsylvania Planning Association workshop: Where it all goes and why you need to know: Act 537 Sewage Facilities Planning, on March 16, 2016 from 10:00 AM to 12:00 PM at the Ross Township Municipal Building. The cost is \$10.00 per person. The Code Enforcement vehicle will be taken, if available.

Motion by Commis. Nedz authorizing Zoning Officer Jesse Hines to attend the workshop on Act 537 Sewage Facilities Planning on March 16, 2016 at a cost of \$10.00. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the list of excess road department equipment to be sold or advertised for sale in 2016. The list included six Gledhill 10 foot fixed angle plows, a 2001 GMC C8500 Dump Truck which would include one of the plows and a tailgate spreader, a 1999 Beuthling B400 Vibratory Roller and a 1981 John Deere 670A Grader. He recommended putting these items on Munis Bids instead of going through normal advertising. Munis Bids main purpose is to sell items from municipalities to other municipalities or the general public. There is the ability to put a reserve on your item and there is a thirty to fifteen day window. He also heard that the City of Butler may be interested in purchasing some of our excess equipment.

Motion by Commis. Zarnick to authorize the advertising for sale of the excess road department equipment, as presented. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request by Karen L. Miller of 115 Staley Avenue, to have No Parking signs installed along Staley Avenue. She stated when the school has activities that cars park on both sides of Staley Avenue blocking access to Northwest Elementary School and also blocking private driveways. He stated that the department has received complaints in the past that have been investigated by the officers. He does not recall ever witnessing a time when the road was block so that emergency vehicles could not get to school. There have been times when driveways have been blocked and the department has done what it could to clear the driveway. A discussion followed. It was recommended that Lieutenant Pearson investigate the parking situation when planned school activities are held, to see if there is a parking problem now that the attendance at the school has increased with

the merger. Chief Hays will contact Ms. Miller and Northwest Elementary School to inform them of the plan.

Chief Hays presented information on his investigation into the request that a stop sign be installed on Shady Avenue at the intersection with North Boundary Street by a resident that lives in the area. He reported that there was one reportable and one none reportable accident within the past five years at this intersection. He stated that though a stop sign may assist drivers not familiar with the area, it can cause problems to residents already accustomed to driving in the area without a stop sign. A discussion followed. It was recommended that Lieutenant Pearson be asked to conduct a traffic study of the area and report back to the board before a decision is made. Chief Hays is to contact the resident and inform her of the ongoing investigation.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$127,755.37; Stormwater Capital Fund - \$3,568.42; Capital Equipment Fund - \$39,595.00; Highway Aid Fund - \$69,094.95; General Fund (added after January Bills Report) - \$75,570.63; Payroll Fund (prior month) - \$253,982.89.

Motion by Commis. Zarnick to pay the bills as per the bills report, seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

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

Dave Bestwick, 119 Deer Run Drive, asked Commis. Zarnick what he meant about asking the fire departments to step up. Commis. Zarnick stated that all the departments need to be on a level playing field; they all need to be able to apply for the same grants; and we need to look to the future as to where we are going to be. He asked Manager Kirkwood to explain what he meant when he said that the fire departments are not taking advantage of the grants available on the fire side. Manager Kirkwood stated that there are more opportunities available that we are not taking advantage of. The grant committee needs to be established so that we can seek out and be assured that we are applying for every available dollar that is out there. A discussion followed.

Questions were taken from the media.

Motion was made by Commis. Nedz to adjourn the meeting at 8:19 PM, and carried unanimously.



Butler Township Statement Pertaining To Recent Matters With Center Township

The Board of Commissioners of Butler Township believes that it is important to explain the history and circumstances of the dealings between Butler Township and Center Township pertaining to properties along our common boundary.

Several years ago, the Pennsylvania Department of Transportation ("PennDot") notified Butler Township that it was considering closing and vacating the Lions Road Bridge, a bridge located entirely in Butler Township, that crosses over Route 422. Because Center Township had an interest in keeping this bridge open, Center Township joined with Butler Township in a Joint Public Meeting that resulted in the adoption of a Resolution opposing the closing and vacating of the Lions Road Bridge. The Townships jointly forwarded their Resolution to PennDot and various state and county officials. Butler Township was extremely concerned about the effect that vacating this bridge would have upon Butler Township's provision of emergency medical services, police services, and road maintenance, particularly in the areas of Butler Township north of Route 422. Butler Township actually conducted studies that showed the delays that could result in responding to emergency, police, fire, and ambulance calls.

As many people are aware, over the past several years the Veterans Administration ("VA") has considered various sites in Butler and Center Townships for a new facility to replace and/or supplement the existing VA facility located in Butler Township. The VA sought proposals from private developers who would purchase real estate, construct a facility, and lease it to the VA. The VA initially awarded the project to West Star Development at a site adjacent to the current VA facility in Butler Township, and, when things did not work out with West Star, reopened the process and awarded the project to Cambridge Health System at a site located in Center Township.

After this process occurred, Center Township sent a letter to Butler Township dated October 16, 2015 notifying us of its desire to create a Tax Increment Financing District ("TIF") and inviting Butler Township to participate, as the proposed district apparently included property located in Butler Township. Butler Township was familiar with the TIF process because developers of the West Star Property had made a proposal to Butler Township previously, but Butler Township was not interested in providing tax relief to a private developer, so the TIF obviously never occurred.

In response to Center Township's letter, Butler Township, at a public meeting on October 19, 2015, appointed a representative to the Center Township Tax Increment Financing District Committee. We notified Center Township of the appointment, but, since then, our representative has received no invitation to attend any planning and development meetings.

At Center Township's request, we invited representatives from Center Township, including the Supervisors, Solicitor, and Township Engineer, to make a presentation at our Public Meeting. This occurred on November 16, 2015. At that meeting, we asked numerous questions about the proponents of the TIF, the benefits that the TIF would have for Butler Township and its citizens, and the need to provide tax relief to private developers. Center

Township representatives advised us that the Cambridge Health System Group was interested in creating a TIF, even though Cambridge has clearly indicated that it intends to move forward with its project whether or not a TIF is in fact created. Center Township did not identify any other private developers for any of the properties in Butler Township or elsewhere.

Tax Increment Financing is a technique used by a municipality to finance private commercial developments usually involving the issuance of bonds to finance either land acquisition and/or other up-front costs and then using the additional property taxes generated from the new development to service the debt. The money obtained from the bond issue is used to construct infrastructure such as roads, sewer and water lines, etc. The Pennsylvania legislature enacted the TIF Act in 1990 in response to what the General Assembly perceived as a failure of the Urban Redevelopment Law to cure blighted conditions in the Commonwealth's urban communities. The legislature specifically noted that there exist urban communities in the Commonwealth that have become blighted because of various factors such as unsafe, unsanitary, inadequate or overcrowded conditions of dwellings, inadequate planning, lack of proper light and air and open space, defective designs in the arrangements of building, faulty street or lot layouts, and economically or socially undesirable land uses.

Despite the purposes laid out in the legislation, developers have sought and obtained TIFs in areas that may not seem to be "blighted" in the way that word is commonly used. But under the law, any resolution approving a TIF must contain, among other things, a finding that *"the area comprising the District as a whole has not been subject to adequate growth and development through private enterprise or would not reasonably be anticipated to be adequately developed or further developed without the adoption of the Plan."*

Butler Township has no objection to using TIFs when it is necessary to entice development of property. Butler Township has undergone significant development in recent years, particularly in areas in close proximity to Route 422. Neither Butler Township nor any other taxing body used any type of tax relief program to entice development – Butler Township typically requires private developers to pay for all infrastructure costs necessary to the development. Nevertheless, Butler Township has been, and continues to be, receptive to any proposal that is in the best interest of its residents. With that in mind, Butler Township Officials recently attended a meeting organized by Center Township Officials that included representatives from Congressman Kelly's office, Senator Toomey's office, Governor Wolf's office, the Butler County Commissioners, the representatives at PennDot District 10. Also attending were all of the Center Township Supervisors, the Planning Commission, the Center Township Solicitor, Engineer, and Fire Chief and two Center Township residents. When Butler Township's representatives arrived at the meeting, they learned that the meeting was not open to uninvited guests, such as the general public.

At the February 3rd meeting, The Center Township Engineer presented maps showing various road proposals, including one to reconstruct the Lions Road Bridge, a new alternate spur route from the existing 422 ramp to Lions Road, construction of unimproved ramps at the intersection of Route 356 and Route 422, and a new roadway extending from the existing 422 entrance to Benbrook Road. PennDot then briefly presented the Plans. A Butler Township official asked questions about the effect of these various proposals upon Butler Township's

ability to provide emergency services to its residents north of the Lions Road Bridge. In response, the Center Township Solicitor reprimanded this official and accused him of being argumentative.

As part of his presentation, the Center Township Engineer provided an aerial map. Interestingly, the map did not show the Wyncrest Development that has been under construction since 2006. The Center Township presentation noted a potential for 2,000 new jobs to be created based upon opinions received from Cambridge Health System. When asked about specific development other than Cambridge Health System, Center Township representatives advised that there were no concrete commitments for any other development.

It is important that everyone understands that Cambridge Health Systems is a private entity developing land for profit. Cambridge's tenant happens to be a government agency, the VA. This is not a "Veteran's Affairs" project, but, rather, a money making venture that is not any different, legally, from development like Butler Crossings, Sam's Club, and Dick's on the south side of Route 422. No one has provided Butler Township with any explanation as to how the creation of a TIF that includes Butler Township real estate would benefit the taxpayers of Butler Township. Butler Township recognizes that there is a purpose for establishing geographical and political boundaries and it has never crossed those boundaries without invitation. Butler Township has no issues with development or roadway improvements within Center Township, however, at this time, Butler Township has no desire to incur any further costs, to be paid by taxpayers of Butler Township, in connection with the Center Township development. The private, for-profit developers should bear this burden. Our taxpayers should never participate in guaranteeing that a private entity makes a profit.

We have no intention of taking any action, or supporting a development, that would result in a decrease of services rendered to our residents. Specifically, we intend to do everything necessary to have PennDot live up to its obligation to repair and maintain the Lions Road Bridge. We do not intend to incur any further costs, including solicitor's and engineer's fees, time spent by our employees, maintenance of traffic control devices, or any other expenditures unless and until it can be demonstrated that this will be in the best interest of the Butler Township taxpayers.

We wish Center Township success and encourage them to work with the current developer to fund their infrastructure improvements.