

**MINUTES OF THE  
REGULAR MEETING HELD  
March 21, 2016**

The regular meeting of the Butler Township Board of Commissioners was held on March 21, 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. Joe Wiest, Commis. Charles M. Nedz and Commis. James Lokhaiser, Jr.

Also present were Manager Ed Kirkwood, Solicitor Rebecca Black, Zoning Officer Jesse Hines, Chief of Police John Hays, Superintendent of Public Works Thomas Knights and Township Engineer Dan Deiseroth.

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 15, 2016 meeting. There being none, the minutes will stand as presented.

Commis. Zarnick noted receipt of the monthly Road Department, Police Department, Treasurer and Fire/Zoning reports.

Commis. Lokhaiser reported that the final South Butler Volunteer Fire Department Fish Dinner will be held on Friday, March 25<sup>th</sup> starting at 4:00 PM.

Commis. Lokhaiser reported that the Fireman's Association Gun Raffle tickets are now on sale.

Commis. Lokhaiser commended the firefighters who responded to the fire at the Worsley's Building in Butler. He also commended the businesses who provided water and food to the emergency services personnel.

Commis. Lokhaiser reported that he attended the Library Board meeting last month. He reminded the public that the library will be holding their Fun Walk/Run on April 2, 2016 at Alameda Park starting at 9:00 AM.

Commis. Zurzolo gave his condolences to the Zulick Family.

Commis. Zurzolo reported that a Recycling Committee meeting will be scheduled on March 28<sup>th</sup> to discuss this year's recycling collection event in the township.

Commis. Zurzolo reported that he attended the PELRAS Conference with Commis. Zarnick, Manager Kirkwood and Chief Hays.

Commis. Zurzolo reported that he attended a neighborhood watch meeting this past month.

Commis. Wiest reported that with the mild winter the salt usage in the township was low. The Road Department will be gearing up with the storm water work in the township, as well as, the paving and seal coating work.

Commis. Zamick reported that he noticed that roadway cleanup was done along Litman Road. Some of the residents of Green Acres Apartments cleaned up the area. He asked that a letter of thanks be sent to the Green Acres Apartment Association for their efforts. He also noted that any resident that would like to participate in a roadway cleanup can contact the Township Administration Office. The township will supply the volunteers with trash bags, gloves and safety vests.

Commis. Zamick reported that he attended a Farm-City Dinner sponsored by the Penn State Extension. He reported that the Penn State Extension could possibly be losing their state funding which would affect the 4-H programs, Master Gardener Programs and Bee Keepers Programs.

Commis. Zamick reported that Manager Kirkwood, Commis. Zurzolo, Chief Hays and he attended the Public Employers Labor Relations Advisory Service Training Conference (PELRAS) in State College, PA. Some of the topics of discussion included: Public Scrutiny in Policing; Ethics for Municipal Solicitors; Updates on Healthcare; Wages and Act 111; Social Media Essentials; Human Relations Lessons; Managing Substance Abuse and Behavioral Health in the Workplace; Social Security; and Types of Reasonable Accommodations under the ADA.

Commis. Zamick thanked the fire departments for their response to the Worsley fire and commended them for their dedication to serving the township and the surrounding areas.

Commis. Nedz had nothing to report.

Manager Kirkwood reported that he has one more interview to conduct for the Assistant Manager Position due to a scheduling conflict during the second round of interviews. Six individuals were interviewed during the second round of interviews. Each candidate was informed that the township currently has a great staff with great cooperation among the staff members and that it is important to not only find a candidate that has the qualifications for the position but also be able to blend in well with the existing staff. Given time to complete the necessary background checks and employee physical, an expected start date for the new assistant manager will be around the second or third week of April.

Public Works Superintendent Knights reported that the Road Department has been working on trimming and removing trees in anticipation of the road paving and sealcoating projects. They have also been able to do some small pipe repairs because of the mild winter.

Chief Hays reported that Unit 7 is now in service, replacing the vehicle that was totaled.

Chief Hays reported on the Citizens Police Academy. He stated that this past class was well attended and received good reviews from the attendees. Plans are being made to hold another class next year.

Chief Hays reported that he received a letter from Chief Ban from the Butler City Fire Department on behalf of the Mayor and City Council, commending Sergeant Bob Murphy for his response to a structure fire on American Avenue in the City on February 24<sup>th</sup> around 1:42 AM. He was first on the scene and helped the residents out of the house and extinguished the fire with the fire extinguisher from his vehicle. A copy of this letter will be placed in Sergeant Murphy's File.

Chief Hays reported that he received a letter from Chief Ban from the Butler City Fire Department on behalf of the Mayor and City Council thanking the police department for their assistance during the structure fire at the Worsley Building.

Chief Hays reported on the stop sign request on Shady Avenue. He stated that he spoke with Ms. Denny, who requested the sign, and presented his findings. She agreed with these findings. At this time he does not recommend a stop sign be installed at this intersection, but the department will continue to monitor the situation.

Chief Hays reported on the parking issue along Staley Avenue during school events at Northwest Elementary School. A request had been made to have "No Parking" signs installed along Staley Avenue. He has researched the complaints that have been filed and has had officers surveying the scene during school hours and events. He reported that he has also had conversations with the principal of Northwest Elementary School and Ms. Miller, who made the request. Based on the findings which he reported to the board, he recommends no action be taken at time, but the department will continue to monitor the situation.

Zoning Officer Hines had nothing to report.

Engineer Deiseroth reported on the progress of the Storm Water Projects. Four of the six projects are underway. One is substantially complete. Two are ready to be started, which are Cupps Road, to begin in June, and Township Line Road, to begin in May. Discussions have been held in regards to work on the final two projects not beginning until the contractor completes outstanding cleanup work with the projects currently underway. He recommends issuing payment to the contractor of the second installment on the project.

Solicitor Black reported on the status of outstanding easement agreements for the storm sewer projects.

Solicitor Black reported on the Armco Assessment Appeal. The non-jury trial findings and facts, conclusion of Law verdict came back and we were successful in that appeal. The assessment was less than our appraisal, but the judge ruled in favor of the county assessment.

Solicitor Black reported on the tax assessment appeal between the Butler Area School District and Board of Assessment Appeals with regards to the Deshon Center (Deemer Property). The school board voted to approve the settlement based on the fair market value of \$1.4 million, which was proposed by the tax payer. The solicitor recommends that the township approves the execution of that settlement. A discussion followed.

Zoning Officer Hines reported that it was announced that Meridian School was going to be sold to 70E Solutions and Mike Wright. Mr. Wright is applying for a special exception, which will go in front of the Zoning Hearing Board in May.

Greg Sloan, Preston Park Advisory Board and the Park Project Development Committee, presented a report by the Park Development Committee which listed ten projects that they recommend the township complete at the township parks over the next five years. These recommendations were based on the Master Site Plan previously completed on the parks. The members of this committee are Jim Galbreath, Dorothy Dodson, Tony Stagno, Paul Semes, Russ Yockey and Greg Sloan. Russ Yockey was also in attendance.

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

Zoning Officer Hines presented the ninety day extension request by PA American Water Company for their project on Greenwood Drive. He recommended approval.

Motion by Commis. Nedz to pass Resolution 16-13, extending the PA American Water Company final approval until June 20, 2016. Seconded by Commis. Zarnick. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the annual resolution for the Butler Transit Authority Operating Expenses.

Motion by Commis. Wiest to pass Resolution 16-14, setting Butler Township's matching funding for the Butler Transit Authority at \$23,731.00 for fiscal year 2016-2017. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the resolution from Butler Transit Authority specific to the \$5,000.00 Butler Memorial Hospital will pay to the authority through a pass through the township for services to their new facility on Route 38.

Motion by Commis. Wiest to pass Resolution 16-15, setting Butler Memorial Hospital's matching funding for the Butler Transit Authority's at \$5,000.00 through Fiscal year 2016-2017. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the resolution restating the Police Pension Plan Document. The document was rewritten to consolidate all of the previous changes into one document, making it easier to understand.

Motion by Commis. Zarnick to pass Resolution 16-16, a restatement of the Police Pension Plan Documents. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the City of Butler/Butler Township Sinc-up Project and the request to authorize the township manager to sign the agreement.

Motion by Commis. Zarnick authorizing the township manager to sign the agreement for the City of Butler/Butler Township Sinc-up Project on behalf of Butler Township.

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

Chief Hays presented the request to have Patrolman David Endlich attend the Narcotics Officers Annual Training from March 30 – April 1, 2016. The Butler County District Attorney is paying for the training and the lodging. The police department will be responsible for the officer's wages. Any meals not covered with the lodging will be reimbursed by the department.

Motion by Commis. Zurzolo authorizing Patrolman David Endlich to attend the Narcotics Officers Annual Training, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Public Works Superintendent Knights presented the request to authorize the drafting of specifications and advertising for N-12 pipe to complete storm water repairs.

Motion by Commis. Wiest to authorize the drafting of specifications and advertising for N-12 pipe. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Engineer Deiseroth presented the request to authorize payment of the second installment to R & B Construction for the Storm Water Project in the amount of \$82,350.00.

Motion by Commis. Zurzolo to authorize a payment to R & B Construction for the Storm Water Project in the amount of \$82,350.00. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood read the resignation letter from the Recycling Committee from Mike Curcio dated March 21, 2016.

Commis. Zurzolo thanked Mr. Curcio for his years of service on the Recycling Committee. He requested a thank you letter be sent to Mr. Curcio from the township.

Motion by Commis. Zurzolo to accept the resignation of Mike Curcio from the Recycling Committee. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried. A letter will be drafted and sent to Mr. Curcio for his years of service on the committee.

Manager Kirkwood stated that a letter of interest was received from Joe Hasychak to be appointed to the Recycling Committee.

Motion by Commis. Zurzolo to appoint Joe Hasychak to the Recycling Committee. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$307,586.21; Stormwater Capital Fund - \$5,442.25; Capital Equipment Fund - \$5,290.00; Highway Aid Fund - \$75,628.23; Park Development Fund - \$875.62; General

Fund (added after February Bills Report) - \$44,400.42; Payroll Fund (prior month) - \$247,919.42.

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

Manager Kirkwood read a letter from Jerome and Mary Lou Motko, undated, pertaining to the retention pond on September Drive.

Jerome Motko, 153 Dutchtown Road, commented on the state of the retention pond on September Drive and would like the problem addressed by the township.

Solicitor Black addressed Mr. Motko's request by explaining the original plan that the township agreed to in 1978, where it stated the property owners were responsible for the maintenance of the retention pond. This responsibility was recorded on the deeds to all of the properties involved. She further explained that the township was not a party to the covenant that was created in 1983 and as such does not have the ability to go onto private property to maintain the retention pond. A discussion followed.

Manager Kirkwood, after reviewing the documents concerning the Deshon Center (Deemer Property) Tax Assessment Appeal, stated that the valuation of \$1.4 million was a compromise between the property owner and the Butler Area School District. The school district has already agreed to the settlement. The Butler County Board of Commissioners will vote on the agreement at their April 4<sup>th</sup> meeting. Butler County Solicitor English stated that the commissioners plan on approving the agreement.

Commis. Zarnick asked for public comment on this non agenda item. There was none.

Motion by Commis. Zarnick to approve the \$1.4 million settlement on the Deshon Center (Deemer Property) Tax Assessment Appeal. Seconded by Commis Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

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

Russ Yockey thanked the board for their work on the township parks. He also asked the board for an update on the Bright Hope Community Church Land Development. Zoning Officer Hines stated that the plan went before the Planning Commission this month and it was tabled because there are some deficiencies in the stormwater plan that have not been resolved. At this point the township has not received a revised set of plans.

Questions were taken from the media.

Motion was made by Commis. Lokhaiser to adjourn the meeting at 7:45 PM, seconded by Commis. Zurzolo and carried unanimously.

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