

**MINUTES OF THE
REGULAR MEETING HELD
April 17, 2017**

The regular meeting of the Butler Township Board of Commissioners was held on April 17, 2017 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. Jim Lokhaiser, Jr.

Also present were Manager Ed Kirkwood, Asst. Manager Cheryl McNeill, Solicitor Larry Lutz, Zoning Officer Jesse Hines, Superintendent of Public Works Thomas Knights, Police Chief John Hays and Township Engineer Bryan Flaugh.

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

Pres. Zarnick stated that anyone taping the meeting is required to state their name and address at the beginning of the meeting.

Ryan Saelor, Butler Media Group, 1 High Street, Pittsburgh, PA 15205, will be taping the meeting.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the March 20, 2017 meeting. There being none, the minutes will stand as presented.

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

Commis. Nedz had nothing to report.

Commis. Zurzolo gave condolences to Commis. Lokhaiser and his family at the recent passing of his mother-in-law.

Commis. Zurzolo reported on the recent compliments that he has received on the Police Department.

Commis. Wiest had nothing to report.

Commis. Lokhaiser reported that there have been twelve new applicants to the volunteer fire departments over the past six months. A lot of young people are showing interest in joining the fire service, which is encouraging.

Commis. Lokhaiser reported that he will be attending the Library Board of Directors meeting scheduled for April 26th.

Commis. Lokhaiser reported that seventeen members of the Monday Morning Maintenance Crew showed up for their first work day of the season. Four of them were new members to the group.

Commis. Lokhaiser reported that there is a tour of Preston Park scheduled for Saturday, April 22nd at 1:00 PM. That tour is now filled to capacity.

Commis. Lokhaiser reported that Polly Shaw has completed a book on Moraine State Park, which contained a lot of information on Frank Preston who was instrumental in the development of the park. Ms. Shaw donated two copies of the book to be kept at the township building and at Preston Park. The book is also available at the Butler Area Library and through Arcadia Publishing, target.com and amazon.com. He recommended the book.

Public Works Superintendent Knights had nothing to report.

Chief Hays reported that all of the police officers have completed their required CPR/First Aid training. The department has also submitted all of the documentation for the MPOETC certification for the department.

Chief Hays reported that the township has received one of the new police vehicles and should be in receipt of the second vehicle in about a week. The excess vehicles will then be able to be sold.

Zoning Officer Hines had nothing to report.

Township Engineer Flaugh reported that they have been reviewing various storm sewer projects with Public Works Superintendent Knights, which include Greenwood Drive, Bon Aire Drive at Delwood Road, and East Brady Street at Delwood Road.

Manager Kirkwood reported that the Police Civil Service written exams have been completed for the Sergeant positions. The next step will be scheduling oral interviews with the Civil Service Commission.

Manager Kirkwood reported that the township audit has been completed. Audit copies have been distributed to members of the Board. Representatives of Maher Duessel will be attending the May 15th board meeting to present their findings.

Manager Kirkwood reported that audits of the Police Pension Plan and Municipal Employees Pension Plan have been completed for the years 2015-2016 by the Auditor General's Office. Exit conferences were held for these audits. There were no observations or findings that were discussed as a result of the audit. The Board was provided with a copy of the exit conference results. There was a comment made which prompted the manager to write a letter to the Auditor General's Department. The Board also received a copy of this document. When a response is received the board will be notified. The comment asked the township to publicly place into the meeting minutes a police officer's monthly pension benefit at the same meeting that the officer's retirement is accepted. Because the timing of each individual retirement varies, this request is impossible to fulfill. The request is also a direct conflict of Act 3 of 2008 concerning the proper process for the release of public information. Manager Kirkwood expects to receive a favorable response to his letter concerning this issue.

Manager Kirkwood reported that the Fire Department audits have begun and are moving along very well.

Manager Kirkwood reported that he met with Mayor Donaldson of Butler City in regards to issues associated with the Butler Transit Authority. They are trying to arrange another meeting with the Butler County Commissioners to discuss this issue further.

Manager Kirkwood reported that in 2016 the General Assembly adopted Act 172, the statute that provides for municipalities to offer some reduction in property and earned income taxes to volunteer firefighters. Discussions have been held at the local C.O.G. meetings in regards to this issue. He noted that he has been asked to sit on a committee to try to draft some criteria and set up the process that would be used county-wide. They would like the program to be county-wide for the following reasons: It would make it easier on the county assessment office for property taxes; it would make it easier on Berkheimer when collecting earned income taxes; and they want it to be uniform across every municipality in Butler County so that it isn't used as a bargaining tool to steal volunteers away from their current departments. Hopefully at the conclusion of the process it will be presented to the governmental bodies and they will agree to put it in motion. It is something that the volunteer firefighters deserve.

Manager Kirkwood reported that he has been working with a number of individuals on a grant proposal for Preston Park. He has not submitted the grant yet because there were some outstanding issues that need to be addressed. He hopes to have the grant ready to submit in the fall.

Manager Kirkwood reported on an issue concerning the installation of the LED lights in the township street lights. An e-mail was presented to the board from a resident concerning a complaint about the new LED lights. A memorandum from Chief Hays was also presented with his recommendation concerning the light in question. A discussion followed.

Motion by Commis. Zarnick to remove the sodium vapor light and reinstall the LED light with a shield at the original light pole and remove the new light pole that was installed near North Duffy Road. Seconded by Commis. Nedz.

Commis. Zarnick asked for public comment on this none agenda item. There was none. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Commis. Zarnick commented on the Butler Transit Authority meetings.

Commis. Zarnick commented on discussions he has had with state representatives concerning the firefighter tax reduction program.

Commis. Zarnick thanked the residents of the township that took the time to do roadway cleanup in the township as part of the Great American Clean-up of PA program.

Commis. Zarnick reported that he has been attending state meetings and they are still working towards passage for the use of radar by municipal police departments and the use of electronic advertising for legal announcements. Some of the interesting discussions that have been held at these meeting are: the President's budget concerning budget cuts that will effect municipalities; State Police patrolling in municipalities without local police departments; and Banner Community recognitions.

Asst. Manager McNeill reported on Butler Township receiving the Banner Community Recognition. Allegheny County selected fifty-one municipalities to receive this recognition. Butler Township and Cranberry Township were the only municipalities in Butler County to receive this distinction this year. Butler Township is also participating in the Sustainable PA program and has reached the Gold Level. The township is waiting on this certification to be finalized. Participating in these programs will help the township qualify for funding through various grant programs.

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

Zoning Officer Hines presented information on the Butler County Subdivision. The referenced Subdivision Plan is located along Morton Avenue / Sunnyview Circle in the A-1 (Agricultural) Zoned District within the I (Institutional) Overlay District.

Cheryl Hughes, Land Surveyors Inc., presented additional information on the subdivision. The plan proposes to subdivide the existing parcel into Lot 2 and Lot 3 to create separate parcels for Buildings 4 and 5.

Township Engineer Flaugh and Solicitor Lutz had no comments or objections to the plan as presented.

Zoning Officer Hines noted that the plan would require a modification for odd shaped lot.

Motion by Commis. Nedz to grant a modification for odd shaped lots in the Butler County Subdivision. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Nedz to grant final approval of the Butler County Subdivision. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented information on the Butler County Community College Land Development. The referenced Land Development Plan is located along Old Plank Road in the R-2 (Multifamily Residential) Zoned District. The plan proposes the addition of a new 6,599 square foot building for the Children's Creative Learning Center.

David Harris with DPH Architects, presented additional information on the land development. A discussion followed. Brian Opitz with the Butler County Community College was also in attendance.

Motion by Commis. Nedz to pass Resolution No. 17-10, granting final approval of the Butler County Community College 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; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the ninety day extension request from Bright Hope Community Church.

Motion by Commis. Nedz to pass Resolution No. 17-11, extending the Bright Hope Community Church final approval until July 17, 2017. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request for have Regulations Inspector Jim Sproat and Secretary Theresa Giesler attend the Special Residential Occupancies Course to be held April 27, 2017 at the Doubletree Hotel in Mars at a cost of \$125 per person.

Motion by Commis. Nedz to authorize the attendance of Regulations Inspector Jim Sproat and Secretary Theresa Giesler to the Special Residential Occupancies Course to be held April 27, 2017 at the Doubletree Hotel in Mars at a cost of \$125 per person. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented his request to attend the Pennsylvania Agriculture Local Planning, Regulations & Policies Program to be held April 27, 2017 at the Butler County Government Center at a cost of \$30.

Motion by Commis. Nedz to authorize the attendance of Zoning Officer Jesse Hines to the Pennsylvania Agriculture Local Planning, Regulations & Policies Program to be held April 27, 2017 at the Butler County Government Center at a cost of \$30. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented information on the proposal to amend the Zoning Ordinance to allow for more Traditional Neighborhood Developments. He is requesting authorization to have Butler Township's Planning Consultant Richard Grossman draft amendments to the Butler Township Zoning Ordinance Chapter 300 at a cost not to exceed \$2,300. A discussion followed.

Motion by Commis. Nedz to authorize Butler Township's Planning Consultant, Richard Grossman, to draft amendments to the Butler Township Zoning Ordinance Chapter 300 at a cost not to exceed \$2,300. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Asst. Manager McNeill presented the bid from Wiest Asphalt & Paving for the 2017 Road Paving Project in the amount of \$778,806.00, the lowest responsible bidder meeting specifications. She noted for the record that Commis. Wiest will be abstaining from the vote and the proper notification for abstention has been filed.

Manager Kirkwood noted that the scope of the contract was modified to meet the 2017 budget allocations. Some of the streets were removed from the contract and only portions of North Duffy Road and Litman Road will be paved. A discussion followed. Commis. Zarnick requested that Solicitor Lutz look into amending the Township Ordinance regarding street openings by utilities on newly paved roadways. The board was in favor of this request.

Manager Kirkwood noted that the winning contract was over \$42,000.00 below the next responsible bidder meeting specifications.

Motion by Commis. Nedz to award the 2017 Road Paving Contract to Wiest Asphalt Products and Paving, the lowest responsible bidder meeting specifications at a cost of \$778,806.00. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Abstain; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the letter received from the Butler County Tax Claim Bureau concerning the sale of real property from the Butler County Repository. The referenced property is Tax Parcel No. 052-37-D15-000, 85 Pittsburgh Road. The township has received a letter from the Butler County Housing Authority, Dated April 3, 2017 granting the request to waive the lien that was placed on the property following the demolition of the structure on the property.

Solicitor Lutz had no objection to the sale of this property, as presented.

Motion by Commis. Lokhaiser to authorize the sale of Real Property from the Butler County Repository, Tax Parcel No. 052-37-D15-000, 85 Pittsburgh Road and authorize the manager to execute the documents. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood requested for authorization for Asst. Manager McNeill to attend two training courses: Comprehensive Training for Municipal Secretaries and Administrators Course on June 13, 2017 at the Park Inn by Radison in Clarion and Developing and Managing Your Municipal Budget Course on June 20, 2017 at the Days Inn Butler. The cost of each training is \$80.00 and meals are included in the registration fee.

Motion by Commis. Nedz to authorize Asst. Manager McNeil to attend the Comprehensive Training for Municipal Secretaries and Administrators Course on June 13, 2017 at the Park Inn by Radison in Clarion at a cost of \$80.00 and the Developing and Managing Your Municipal Budget Course on June 20, 2017 at the Days Inn Butler at a cost of \$80.00. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the proposed amendments to the Police Pension Plan Investment Policy Statement, Objectives and Guidelines and the Municipal Employee Pension Plan Investment Policy Statement, Objectives and Guidelines.

Motion by Commis. Zarnick to authorize amending the Police Pension Plan Investment Policy Statement, Objectives and Guidelines, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Zarnick to authorize amending the Municipal Employee Pension Plan Investment Policy Statement, Objectives and Guidelines, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood requested authorization to advertise for the sale of excess vehicles.

Motion by Commis. Zarnick to authorize advertising for the sale of excess vehicles. Seconded by Commis. Nedz. Manager Kirkwood will contact the City of Butler to determine

if they would be interested in acquiring any of the excess vehicles before they are advertised. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information concerning the request from Summit Township for financial assistance to pave Bonnie Drive. He reviewed the discussions that were had at the previous board meeting and additional information that was gathered since then. He recommended providing \$10,000.00 in funding to Summit Township to offset the cost of paving the portion of Bonnie Drive that lies within Butler Township and authorizing the Road Department to widen a portion of Bonnie drive to provide a staging area for the tractor trailers that travel the roadway.

Asst. Manager McNeill noted for the record that Commis. Wiest has filed the notice of abstention on agenda item, Bonnie Drive/Summit Township Construction Plan.

Motion by Commis. Lokhaiser to authorize providing \$10,000.00 in funding to Summit Township to offset the cost of paving the portion of Bonnie Drive that lies within Butler Township and authorizing the Road Department to widen a portion of Bonnie Drive to provide a staging area for the tractor trailers that travel the roadway. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Abstain; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Assistant Manager McNeill reviewed the bills report and the following totals were noted: General Fund - \$161,158.72; Highway Aid Fund - \$23,884.94; Park Development Fund - \$260.00; General Fund (added after March Bills Report) - \$109,111.14; Highway Aid Fund (added after March Bills Report) - \$55,918.21; Payroll Fund (prior month) - \$249,112.09.

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

There was no correspondence.

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

Joe Burger, 222 Rural Drive, presented his request for a sign to be installed along Rural Drive to alert drivers of handicapped individuals living in the area in the hopes of slowing down traffic in the neighborhood. He also requested police attention to the drug activity in the area.

Manager Kirkwood stated that the sign can be installed and Chief Hays will have officers patrol the area for speeding. Chief Hays will also follow up with Mr. Burger on the drug activity issue.

Questions were taken from the media.

Motion was made by Commis. Zarnick to adjourn the meeting to Executive Session on legal matters at 8:22 p.m. and carried unanimously. The Board will not reconvene.

Theresa Gesler