

**MINUTES OF THE
REGULAR MEETING HELD
April 20, 2015**

The regular meeting of the Butler Township Board of Commissioners was held on April 20, 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, and Zoning Officer Jesse Hines.

Pres. Hasychak asked if there were any corrections or additions to the minutes of the April 6, 2015 meeting. There being none, the minutes will stand as presented.

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

Commis. Wiest reported that the new tractor is in. The Road Department is getting some ditching done, cutting the brush back, and cutting tree limbs. Potholes are getting filled. He reported that the specs are out for the paving projects.

Commis. Zurzolo reported that the new police car is in.

Commis. Zurzolo reported that a Recycling Committee meeting was held. A recycling event has been tentatively planned for July 11, 2015. Televisions and computers will not be collected at this event. Small household products and household hazardous waste will be collected.

Commis. Zarnick reported on two articles that were written on training programs in which our Township Police Officers participated.

Commis. Zarnick thanked the community groups that were out the past weekend picking up litter along the township roads.

Commis. Zarnick reported that he received a tour of the new Planet Fitness located in the Alameda Shopping Plaza. The Butler Township location is the second largest franchise location that Planet Fitness owns.

Commis. Zarnick reported that Commis. Hasychak, Commis. Zurzolo and he attended the Mercer Road Fire Department meeting. He requested that a letter be sent to the Legion Commander and their membership for partnering with the township in providing revenue to the fire departments. He would also like to thank their commander for taking the time to visit each of the departments individually to thank them for the service that they provide to the community. American Legion Post #778 contributed \$13,000.00 to the Butler Township Volunteer Fire Departments in 2015.

Commis. Zarnick reported that the Preston Park Advisory Board held their first meeting of the year. The board has reviewed recommendation sites for future restrooms and pavilions. The board requested a cost analysis for running water and sewerage to the old pump house.

Commis. Zarnick reported that the Preston Park Prairie Burn was held on April 16th. It was the most complete burn since being acquired. There were fourteen members of the Monday Morning Maintenance Crew at work this morning at Preston Park.

Zoning Officer Hines reported that the permit for Sheetz on Center Avenue and Morton has been issued and they started moving dirt last week.

Zoning Officer Hines reported that they issued the building permit for Dollar General on Route 68.

Zoning Officer Hines reported that the SPC, Southwest Planning Commission, is going to conduct a traffic study along State Route 68 between Route 528 and Route 356 in the township. He reported that on Thursday, April 23, 2015 the Multi-municipal Comprehensive Planning Committee will be holding their quarterly meeting. The SPC will be giving a presentation during that meeting which will be held in the Butler Township Municipal Building meeting room. An invitation is extended to all of the stake holders that were part of the BAMB Group and also to any commissioners, planning commission members or the public that would like to attend. The meeting will be held at 6:00 PM.

Engineer Deiseroth reported that they are in the midst of completing the stormwater projects to be put out to bid.

Solicitor Lutz reported that the New Zoning Amendments Hearing was incorrectly advertised for tonight's meeting. The correct time and date for the Zoning Amendments Hearing will be May 18, 2015 at 7:00 PM.

Manager Kirkwood reported that the Site Characterization Report and the Remedial Action Report for the gasoline tanks located at the Road Department has been filed with the Department of Environmental Protection. Hopefully they will approve it.

Manager Kirkwood reported that he has been contacted by a group that is requesting our consideration to creating a tobacco free park policy. They do have some draft policies for review if the board is interested in pursuing this policy. A discussion followed. Commis. Zarnick stated that he would bring the request up at the next Preston Park Advisory Board meeting.

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

Zoning Officer Hines presented the request from the Keystone Ridge Plan for an extension of the resolution.

Motion by Commis. Nedz to pass Resolution 15-09 extending the Keystone Ridge Land Development final approval until July 20, 2015, seconded by Commis. Zarnick and carried unanimously.

Zoning Officer Hines presented the request from the Thompson Greene Plan for an extension of the resolution.

Motion by Commis Nedz to pass Resolution 15-10 extending the Thompson Greene Land Development final approval until July 20, 2015, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood presented information on a request to have a handicap sign installed in front of a residence. He recommended either approval, conditioned upon the fact that they acquire the physically disabled license plate or table the decision for action at a future date after the license plate has been acquired.

Motion by Commis. Zurzolo to table the decision on installing the requested handicap sign until the physically disabled license plate has been acquired, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$184,783.68; Stormwater Capital Fund - \$34,179.88; Capital Equipment Fund - 129,047.04; Highway Aid Fund - \$63,833.44; Park Development Fund - \$1,027.32; General Fund (added after March Bills Report) - \$135,996.32; Stormwater Capital Fund (added after March Bills Report) - \$2,071.00; Payroll Fund (prior month) - \$242,283.17.

Motion by Commis. Hasychak to pay the bills as per the bills report, seconded by Commis. Nedz, and carried unanimously.

Solicitor Lutz presented information on the assessment appeal by Lowes. The proposed fair market value will be set at \$7,164,250.00. The yearly tax decrease for the township will be \$4,251.84. A discussion followed.

Motion by Commis. Zurzolo to approve the Lowes tax appeal stipulated fair market value of \$7,164,250.00, contingent upon the county's approval at its Wednesday meeting, seconded by Commis. Zarnick and carried unanimously.

Solicitor Lutz presented information on the assessment appeal by Target. The proposed fair market value will be set at \$9,350,000.00. The yearly tax decrease for the township will be \$1,904.62. A discussion followed.

Motion by Commis. Zurzolo to approve the Target stipulated fair market value of \$9,350,000.00, contingent upon the county's approval at its Wednesday meeting, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood noted that the only correspondence that he received was from Mandy Roberson requesting the handicap sign that was previously tabled.

7:00 p.m. - OPEN HEARING - BRISTON WELL PAD

Solicitor Lutz stated that this is the time and place that has been scheduled for a conditional use hearing for the application of XTO Energy dated March 4, 2015. A court reporter, Kelly Ferrari, is present. A presentation will be made before the public comment period. All participants who are testifying must be sworn in before they will be permitted to testify.

Solicitor Lutz stated that this is a land development application for a conditional use hearing. The address of the applicant is 502 Keystone Drive Warrendale, PA 15086. The names of the land owners are John and Sue Briston, William and Pamela Briston and George and Debra Briston. The address of the property is 181 Dutchtown Road, Butler, PA. The map and parcel number is 051-62-04, zoning district A-1. The description in the application is a development of a well pad for the drilling and production of a natural gas well.

The witnesses were sworn in.

Shawn Gallagher with Buchanan Ingersoll & Rooney PC, representing XTO Energy; Kevin Brucha, regulatory coordinator for XTO; Eric Greenert from XTO's Environmental Health & Safety Division, Amy Dobkin, director of public and government affairs and Justin Stewart with Gannett Fleming, project engineer were in attendance.

Shawn Gallagher presented information on the Briston Well Pad Project. A discussion followed.

Justin Stewart presented information on the stormwater plans for the project. A discussion followed.

Zoning Officer Hines stated that the Planning Commission considered this request at the April 7, 2015 meeting. They recommended approval of the plan.

Jordon Shuber, 121 Windmill Road, spoke on his concerns on the proposed Briston Well Pad Site. One of his issues is whether the notice requirement was met. The second issue is whether an environmental impact test was performed. Another issue pertains to safety of the local bodies of water. He also asked whether Dutchtown Road will be adequately repaired after XTO Energy leaves.

Solicitor Lutz addressed the advertising issue and the hearing was duly and properly advertised. He also stated that Dutchtown Road has been bonded.

Shawn Gallagher addressed some of Mr. Shuber's issues. He stated that not all notices of violations are actual violations. The Department of Environmental Protection says that XTO Energy is one of the best operators in Pennsylvania. He wanted to remind everyone that there is always two sides to every story. Everything you read is not always the whole truth. A discussion followed.

Mark Krenitsky, 139 Winterwood Drive, commented that he thinks gas drilling has had a positive impact on Butler Township.

Jerome Motko, 153 Dutchtown Road, spoke on his concerns with the Briston Well Pad, which were: the potential of methane gas building up in people's water wells and causing explosions; Stormwater runoff towards the north-east; and how far will the lateral lines run.

Stormwater runoff was discussed.

Additional witnesses were sworn in by the court reporter.

Peter Shuber, 121 Dutchtown Road, expressed his concerns about having the site so close to his house. He also commented on the potential noise levels.

David Braun, 213 Dutchtown Road, commented on his concerns about the stormwater runoff.

Robert Braun, 209 Dutchtown Road, commented on any radon gas issues, whether the storm water will be polluted, the decibel levels of the sound and whether they flare the wells to test them.

8:05 – HEARING CLOSED

Zoning Officer Hines presented information on the Briston Well Pad Land Development Plan and Conditional Use. Engineer Deiseroth addressed the stormwater plans.

Motion by Commis Nedz to grant a modification from the requirement to utilize the construction details provided in township ordinance, Chapter 242-8, and utilize the construction details approved for use by the PADEP, seconded by Commis. Wiest. A discussion followed. Manager Kirkwood noted that Commis. Zarnick has filed with his office a Notice of Abstention from Agenda Items 1 and 2. The vote was carried unanimously with Commis. Zarnick abstaining.

Motion by Commis Nedz to grant a modification from Chapter 252-38.D.3 driveway width, seconded by Commis Wiest and carried unanimously, with Commis Zarnick abstaining.

Motion by Commis. Nedz to pass Resolution 15-11 granting final approval of the Briston / XTO Well Pad Land Development / Conditional Use contingent upon:

1. Compliance with Gateway Engineers' letter dated April 7, 2015, C-25558-0004,
2. Financial security in an amount and form acceptable to the Township Solicitor, and
3. Executed Developer's Agreement.

Seconded by Commis. Wiest, with a discussion. Commis Zarnick stated that he abstained from these items because his wife is one of eight who is involved in a land trust that has a lease signed with XTO with their family property. The motion carried unanimously, with Commis. Zarnick abstaining.

Ron Bole, with Dusheck Surveyors, representing the Walowen Subdivision presented information on the subdivision.

Zoning Officer Hines noted that there were no outstanding issues with the plan.

Motion by Commis. Nedz to grant final approval of the Walowen Subdivision, seconded by Commis. Wiest and carried unanimously.

Ron Olsen, Ron Olson & Associates LLC and Gary Brenckle were in attendance representing Brenckles Farms & Greenhouses Land Development. Ron Olsen presented information on the land development plan. A discussion followed.

Zoning Officer Hines noted that there are no outstanding issues with the plan.

Motion by Commis. Nedz to grant final approval of the Brenckles Farms & Greenhouses Land Development contingent upon compliance with Gateway Engineers' letter dated April 7, 2015, C-25602, seconded by Commis Wiest and carried unanimously.

Zeden Jones with United Growth and Rocco Magrino, civil engineer, presented information on the Greenwood Plaza Subdivision and Land Development noting recent changes to the plan. A discussion followed.

Scott Popavich, Stall-Shaffer Engineering, Civil Engineer for Greenwood Plaza, presented information on the traffic plan for the development. A discussion followed.

Zoning Officer Hines commented that the lot consolidation needs to be considered first. He recommends the lot consolidation plan contingent on the approval of the land development. He commented that the wetland mitigation plan has been approved, with the wetlands being move to Preston Park which is included in the Developers Agreement.

Engineer Deiseroth commented on his letter dated April 17, 2015 and recommended approval contingent upon these necessary changes.

Solicitor Lutz commented on the Developers Agreement. He recommended approval contingent upon an executed Developers Agreement.

Crawford Bolton, 131 Hindman Road, was concerned about access into the K & L Court.

Randy Hake, Cedarwood Development, 2546 Forest Springs Drive, Warren, Ohio, expressed his concern about the stacking on the east-bound traffic lane on Route 356 and the traffic flow on Hindman Road and K & L Lane. Scott Popavich, the plan traffic consultant addressed his concerns.

Motion by Commis. Nedz to grant a modification for odd shaped lots 1, 2, and 3 in the Greenwood Plaza Subdivision, seconded by Commis. Zurzolo and carried unanimously.

Motion by Commis. Nedz to grant final approval of the Greenwood Plaza Subdivision contingent upon final approval of the Greenwood Plaza Land Development, seconded by Commis. Zurzolo and carried unanimously.

Motion by Commis. Nedz to grant a modification for grading within 5 feet of the property boundary for the Greenwood Plaza Land Development, seconded by Commis. Zurzolo and carried unanimously.

Motion by Commis. Nedz to pass Resolution 15-12 granting final approval of the Greenwood Plaza Land Development contingent upon:

1. Compliance with Gateway Engineers' letter dated April 16, 2015, revised April 17, 2015, C-25578-0001,
2. Compliance with Gateway Engineers' Transportation Impact Study Review letter dated April 17, 2015, C-25578-0000,
3. Financial security in an amount and form acceptable to the Township Solicitor, and
4. Executed Developer's Agreement which shall include a provision for cross easement of the private roads and a provision for township review of traffic patterns six months after the opening of Dick's, seconded by Commis. Zurzolo and carried unanimously.

Todd Fleming, GreenbergFarrow, presented information on the Speedway Subdivision Plan.

Zoning Officer Hines stated that contingent upon approval of the plan with Gateway Engineers comments he has no other comments.

Motion by Commis. Nedz to grant final approval of the Speedway Subdivision contingent upon: Compliance with Gateway Engineers' letter dated April 7, 2015, C-25594-0001, seconded by Commis. Wiest and carried unanimously.

Todd Fleming, GreenbergFarrow, presented information on the Speedway Stormwater Highway Occupancy Permit with Butler Township as the Applicant.

Zoning Officer Hines commented that this is a standard procedure. The developers have made the proper request for the township to be the applicant for their Stormwater HOP.

Engineer Deiseroth commented on the stormwater plan and recommends approval of the plan.

Motion by Commis. Nedz to authorize Butler Township to act as the applicant for submission of the Stormwater Highway Occupancy Permit for the proposed Speedway Land Development at the corner of Hansen Avenue and Fairground Hill Road contingent upon the recording of the approved Stormwater Developer's Agreement for the property, seconded by Commis. Wiest and carried unanimously.

Motion by Commis. Nedz to pass Resolution 15-13 granting final approval of the Speedway Land Development contingent upon:

1. Compliance with Gateway Engineers' letter dated April 7, 2015, C-25594-0001,
2. Compliance with Gateway Engineers' Transportation Impact Study Review letter dated April 17, 2015, C-25594-0000,
3. Financial security in an amount and form acceptable to the Township Solicitor, and
4. Executed Developer's Agreement

Seconded by Commis. Wiest and carried unanimously.

Manager Kirkwood presented information on the human resource companies that he contacted to conduct specific job classification time studies. Felice Associates, located in Greensburg, PA quoted that they could complete of the time studies in twenty to twenty-five hours at a cost of \$150.00/hour. A discussion followed.

Motion by Commis. Zarnick to enter into a professional services contract with a human resources company to conduct specific job classification time studies not to exceed twenty-five hours, seconded by Commis Nedz and carried unanimously.

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

Karen Marshall, 208 North Duffy Road, commented on the proposed VA development in Center Township and the possibility of having to widen the North Duffy Road and eminent domain taking effect on their property. She also commented on the section 8 housing that is located beside her residence and is kept in disrepair. She questioned whether she had any recourse against the property owners. Zoning Officer Hines stated that he would meet with her to discuss her concerns.

There were no questions from the media.

A motion was made by Commis. Zarnick to adjourn the meeting at 9:31 PM, seconded by Commis. Nedz and carried unanimously.

Theresa Gesler