

**MINUTES OF THE
REGULAR MEETING HELD
May 2, 2016**

The regular meeting of the Butler Township Board of Commissioners was held on May 2, 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, Commis. Joe Wiest and Commis. James Lokhaiser, Jr. Pres. Zarnick called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag lead by members of Boy Scout Troup 19 from Meridian.

Also present were Manager Ed Kirkwood, Assistant Manager Cheryl McNeill, Solicitor Rebecca Black, and Public Works Superintendent Thomas Knights.

Dave Frund, Troop Master of Troop 19, along with scouts Riley Doutt, Sean Christy, Brady, and Riley were present to complete requirements to earn their Citizenship Merit Badge.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the April 18, 2016 meeting, there being none the minutes will stand as presented.

Commis. Zarnick noted receipt of the monthly reports for the Treasurer, Police and Road Departments.

Manager Kirkwood introduced Cheryl McNeill, who was recently hired as the assistant manager of Butler Township.

Manager Kirkwood reported that Cindy Grant will be working for the township as part of the Senior Aid Program. She will be helping with the document scanning project going on in the township.

Manager Kirkwood reported that he attended his first PA One Call Board Meeting. It was a two day meeting with an agenda packet consisting of two hundred and ninety-five pages.

Asst. Manager McNeill stated that she is pleased to be working for the township and is very impressed with the knowledge and caliber of everyone involved in the management of the township.

Solicitor Black had nothing to report.

Commis. Wiest reported on the work of the road department for the month.

Commis. Zurzolo welcomed Asst. Manager McNeill to the staff.

Commis. Zurzolo reported that the Butler ROTC students won the local ROTC tournament held at Slippery Rock and will be going to Fort Dicks, New Jersey to compete in the regional tournament. He wished them well in the tournament.

Commis. Zurzolo reported on the police department activities for the month.

Commis. Zarnick stated that the police department, fire departments and road department, as well as other staff, are very involved in participating in community events and community relations.

Commis. Lokhaiser reported that he attended the Fire Commission meeting on April 20th. There were five new applicants to the fire department that were approved at that meeting.

Commis. Lokhaiser reported that John Lutz, Fire Commission representative for Mercer Road Volunteer Fire Department has submitted his resignation to the Fire Commission. A replacement will need to be appointed from that station.

Commis. Lokhaiser reported that a kick-off breakfast was held for the members of the Monday Morning Maintenance Crew. There were twenty-one people in attendance. Mary Kruppa, from the Penn State Extension, was the guest speaker for the breakfast and spoke on Invasive Species.

Commis. Lokhaiser reported that May 13th is the Butler High School Prom. Arrangement have been made to have help directing traffic at Preston Park on this day because of the popularity of people taking Prom picture at the park.

Commis. Lokhaiser reported that approval has been given for a tree to be planted at Preston Park in memory of the late Paul Langland who was a former township commissioner.

Commis. Lokhaiser reported that Preston Park tour dates have been scheduled for June 15th at 10:30 AM, August 17th at 6:00 PM and October 8th at 1:00 PM. The tours are approximately two hours long and participants should be prepared to do a lot of walking. Interested people are to contact the township to sign up for these tours.

Commis. Nedz had nothing to report.

Public Works Superintendent Knights reported that he will have a winter commodities report at the next commissioners meeting.

Commis. Zarnick reported that he attended a Transit Authority Conference. He requested that John Paul of the Butler Transit Authority be invited to attend a future Board of Commissioners meeting to give a report on the Transit Authority.

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

Dustin Starr, Maher Duessel, presented the findings of the 2015 Audit. It is their opinion that the summary financial statement of the Township for the year ended December 31, 2015 is consistent, in all material respects, with the audited cash basis financial statements from which it has been derived, on a regulatory basis.

Manager Kirkwood presented the recommendation from Public Works Superintendent Knights to award the 2016 Pipe/Fitting Contract to Culverts, Inc., the lowest responsible bidder meeting specifications, in the amount of \$58,134.00.

Motion by Commis. Wiest to award the 2016 Pipe/Fitting Contract to Culverts, Inc., the lowest responsible bidder meeting specifications, in the amount of \$58,134.00. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Manager Kirkwood presented the recommendation from Public Works Superintendent Knights to award the 2016 Double Seal Coat Contract to Suit-Kote Corporation, the lowest responsible bidder meeting specifications, in the amount of \$137,566.22.

Motion by Commis. Nedz to award the 2016 Double Seal Coat Contract to Suit-Kote Corporation, the lowest responsible bidder meeting specifications, in the amount of \$137,566.22. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Manager Kirkwood noted for the record that Commis. Wiest has submitted a notice of abstention form for agenda item number four, the 2016 Asphalt Resurfacing Project.

Manager Kirkwood presented the recommendation from Public Works Superintendent Knights to award the 2016 Asphalt Resurfacing Contract, with Addendum #1 to Wiest Asphalt Products and Paving, Inc., the lowest responsible bidder meeting specifications, in the amount of \$335,020.29.

Motion by Commis. Nedz to award the 2016 Asphalt Resurfacing Contract, with Addendum #1 to Wiest Asphalt Products and Paving, Inc., the lowest responsible bidder meeting specifications, in the amount of \$335,020.29. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Abstain; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Manager Kirkwood presented the letter dated April 25, 2016 from John Lutz, Fire Commission representative from Mercer Road Volunteer Fire Department stating that he is resigning from the Fire Commission effective May 1, 2016.

Motion by Commis Lokhaiser accepting the resignation from John Lutz from the Fire Commission effective May 1, 2016. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Manager Kirkwood presented a letter dated April 29, 2016 from Attorney Michael Gallagher concerning Brenckle's Greenhouse and an alleged oral cease and desist issued by Zoning Officer Jesse Hines as to the construction of an agricultural building to grow plants, which is located on the Brenckle's Greenhouse property. Manager Kirkwood asked Attorney Sean Gallagher to present the information to the board directly since he was in attendance. The board was given copies of the letter for their review.

Sean Gallagher, of Murrin, Taylor & Gallagher, presented information regarding the Brenckle's Greenhouse letter. Gary Brenckle, supporters of Brenckle's Greenhouse and Ron Olsen, architect for the plan, were also in attendance.

Gallagher stated that Mr. Brenckle is involved in an issue with Zoning Officer Hines concerning the construction of an agricultural building on the property where plants are to be grown and brought to fruition so that they can be sold out of their commercial front. He stated that it is Zoning Officer Hines' opinion the building is not an agricultural building and thus not exempt from the Uniform Construction Code. They are asking the board of commissioners to speak with Zoning Officer Hines and ask him to reconsider his opinion on the matter so that Mr. Brenckle can continue the construction of the building.

Solicitor Black stated that she will be handling the issue on behalf of the township. The board is to direct all questions to her. This situation is not in front of the board, thus it is not appropriate for the board members to comment on it at this time. She addressed the allegations made in the letter, presented the township's position on the issue and the situation the Zoning Officer is in. In the application process, the project was determined to have two phases with the second phase including construction of a greenhouse, and it was noted that a permit would be required for the second phase. An application for this permit has never been submitted to the Zoning Officer or the township for an official determination of whether or not this building is appropriate for an agricultural exemption. Zoning Officer Hines is the person who is charged with making that determination. A request for an official determination would resolve this problem, but the same has never been submitted. Once that determination is made the applicant would, at that time, have other avenues available to them to pursue the issue further. What the applicant is asking of the board is not something that the Board can consider when it is an issue that is not properly before it for review or approval and is not ripe for its consideration.

Attorney Gallagher stated that it is ripe for their consideration since they are the direct supervisor to Zoning Officer Hines and do have the ability to work with him in regards to his determination. He asked the board to consider this going forward. He claimed that redress is available through the Attorney General and the Department of Labor and Industry in regards to an over-reach by the township in regulating agricultural buildings.

Solicitor Black gave direction to the board as to the process that should be followed concerning this issue and advised them that discussion or response at this time is not appropriate. The board will be advised as the appropriate steps are taken to resolve this issue.

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

Mark Krenitski, 139 Winterwood Drive, requested that the township reach out to the City of Butler regarding fire protection in the area.

Riley Doult, Troop 19, asked the commissioners what is their favorite thing about being a commissioner. Commis. Zarnick responded: Having scouts come to the meeting, the fire prevention week poster contest, and working with the Preston Park volunteers.

Brady, Troop 19, asked the commissioners why they cleared the land for the new VA Center and then built it somewhere else. Commis. Zarnick stated that the decision was out of the commissioners' hands. The VA decided that they did not want

the Deshon Woods Property after they chose it as their first site. They chose another property and decided to build there. Hopefully in the near future you will see something else built there on the former Deshon Woods property.

Riley, Troop 19, asked the commissioners if they will be building any new roads by the new VA Center. Commis. Zarnick stated that the VA Center is not in Butler Township but is located in Center Township. The township will not be building any new roads.

Sean Christie, Troop 19, asked what some of the responsibilities of a commissioner are. Commis. Lokhaiser stated that he is responsible for the Fire Departments, Preston Park Advisory Board, and is the Public Library Liaison. Commis. Nedz stated that he is responsible for the Zoning Department. Commis. Zurzolo stated that he is responsible for recycling and the Police Department. Commis. Wiest stated that he is responsible for the Road Department.

Questions were taken from the media.

Motion by Commis. Wiest to adjourn the meeting at 7:30 p.m., second by Commis. Nedz and carried unanimously.

Theresa Giesley