

**MINUTES OF THE  
REGULAR MEETING HELD  
May 18, 2015**

The regular meeting of the Butler Township Board of Commissioners was held on May 18, 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 Rebecca Black, Engineer Dan Deiseroth, and Zoning Officer Jesse Hines.

Pres. Hasychak asked if there were any corrections or additions to the minutes of the May 4, 2015 meeting. There being none, the minutes will stand as presented.

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

Commis. Zarnick reported that he and Commis. Hasychak attended the grand reopening of the Eleventh Frame.

Commis. Zarnick reported that he attended the Preston Park Advisory Board meeting. The proposed No Smoking Policy that they were advised to look at was discussed. The board recommended keeping the smoking policy as is at Preston Park, which is "No smoking permitted at Preston Park". The board also finalized the 501C - 3 for Preston Park.

Commis. Zarnick reported that he and Manager Kirkwood attended the Butler County bridge replacement meeting held at the Days Inn.

Commis Zarnick reported that he, Commis Hasychak and Manager Kirkwood attended a dinner for the Allegheny County and Western Pennsylvania Association of Township Commissioners.

Commis. Zarnick reported that he, Commis. Zurzolo and Zoning Officer Jesse Hines attended the Southwest Planning Commission meeting held at the township building. They are reviewing Routes 68, 19, 528 and 356.

Commis. Zarnick reported that the Monday Morning Maintenance Crew was at work at Preston Park. There were 15 attendees.

Commis. Hasychak reported that the newsletter has gone to press. Any feedback would be appreciated.

Commis. Hasychak reported that he, Commis. Zarnick, Manager Kirkwood and Zoning Officer Hines attended a meeting with PennDOT concerning the Greenwood Plaza Development.

Commis. Hasychak reported that he and Commis. Zarnick attended a Chamber of Commerce breakfast where local issues were discussed.

Engineer Deiseroth reported on the progress of the storm water projects.

Manager Kirkwood reported on the Connoquenessing Creek Clean-up project and presented answers to the questions that were proposed by the commissioners at the last meeting. A decision on the township's involvement will be made at a future board meeting.

Manager Kirkwood reported that an advertisement was placed in the newspaper for a thirty hour per week grass cutter for the summer months to help the Buildings & Grounds Department maintain the township properties.

Motion by Commis. Hasychak to approve the hiring of a thirty hour per week grass cutter for the summer months. Seconded by Commis. Zurzolo. Commis. Hasychak asked for public comment on this non-agenda item. There was none. The motion carried unanimously.

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

Zoning Officer Hines presented information on the Wack Lot Line Revision #2.

Motion by Commis. Nedz to grant final approval of the Wack Lot Line Revision #2, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood recommended setting the public hearing date and time for the Agricultural Security Area Seven Year Review for July 20, 2015 at 7:00 PM at the Butler Township Municipal Building.

Motion by Commis. Nedz to set the Public Hearing Date and Time for the Agricultural Security Area Seven Year Review for July 20, 2015 at 7:00 PM at the Butler Township Municipal Building, seconded by Commis. Zarnick and carried unanimously.

Zoning Officer Hines presented information on the PA State Police Land Development on Barracks Road. Michelle Merrow with Alder Run Engineering, LLC presented additional information on the land development.

Motion by Commis. Nedz to grant final approval of the Pennsylvania State Police Land Development, seconded by Commis. Zurzolo and carried unanimously.

Zoning Officer Hines stated that there is an open position on the Agricultural Security Area Advisory Committee and he presented the letter of interest from Diane Maihle to be considered for appointment to this committee.

Motion by Commis. Nedz to appoint Diane Maihle of 4200 Karla Drive, Butler, PA 16001 to the Ag. Security Area Advisory Committee, seconded by Commis. Wiest and carried unanimously.

Zoning Officer Hines presented the request for authorization to attend the training entitled, "Managing Marcellus: Land Use, Zoning & Addressing Impacts of Shale Gas Drilling After Supreme Court Act 13 Rulings," to be held on June 4, 2015 at a cost of \$50.00 at Washington & Jefferson College in Washington, PA. The Code Enforcement Vehicle will be used if available.

Motion by Commis. Nedz to authorize the attendance of Zoning Officer Hines to Managing Marcellus: Land Use, Zoning & Addressing Impacts of Shale Gas Drilling After Supreme Court Act 13 Rulings," to be held on June 4, 2015 at a cost of \$50.00, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood presented information on the Friends of Preston Park Bylaws and the 501 C-3 designation which will permit tax deductible donations to be accepted and appropriated for Preston Park improvements.

Motion by Commis. Zarnick to approve the Friends of Preston Park Bylaws, seconded by Commis. Nedz and carried unanimously.

Motion by Commis. Zarnick to approve the appointment of Manager Edward Kirkwood to represent First Class Townships on the PA One Call Board of Directors, seconded by Commis. Nedz and carried unanimously.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$310,064.16; Stormwater Capital Fund - \$28,935.52; Debt Services Reserve Fund - \$30,000.00; Highway Aid Fund - \$21,514.39; Park Development Fund - \$360.00; General Fund (added after April Bills Report) - \$11,108.08; Park Development Fund (added after April Bills Report) - \$20,000.00; Payroll Fund (prior month) - \$232,774.74.

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

Manager Kirkwood opened the bids for the sale of the 2011 Chevrolet Impala excess police car. The bids were as follows:

Name	2011 Chevrolet Impala
Asia Motors	\$2,798.00
Yousef Dabbagh	\$1,568.00
Mark Gaudino	\$3,838.00
Richard L. Carr	\$3,651.00
Grace Quality Used Cars	\$3,646.00

Motion by Commis. Zurzolo to award the sale of the 2011 Chevrolet Impala to Mark Gaudino, the highest acceptable bid, in the amount of \$3,838.00, seconded by Commis. Zarnick and carried unanimously.

**7:00 p.m. - OPEN HEARING – ZONING ORDINANCE HEARING**

Solicitor Black stated that this is the time and date set for a public hearing on proposed changes to the Butler Township Zoning Ordinance. These changes were presented to the Planning Commission and this hearing was duly advertised on May 4, 2015 and May 11, 2015. A court reporter, Kelly Ferrari, is present. Township residents and professional consultants will be permitted to testify and/or comment during the hearing. Anyone who is intending to testify or comment is to step forward and be sworn in. The following witnesses were sworn in:

Dennis Gaggini, 606 Tudor Drive  
 Anne Baker, 111 South Woodlawn Road  
 Sam Hoszwa, 120 Duncan Drive  
 Mark Krenitsky, 139 Winterwood Drive  
 Mark Goldinger, 130 Powdermill Road  
 Rich Grossman, Prof. Consultant to the Township, P. O. Box 11, Grove City, PA  
 Joseph McMurry, 103 Windsor Drive  
 Paul Cornetti, 109 Dutchtown Road  
 Shawn Gallagher, XTO Energy Representative, 301 Grant Street, Pittsburgh, PA  
 Richard Kelly, 140 Buttercup Road  
 Joe Gray, 75 Dutchtown Road  
 Jacqueline Gray, 75 Dutchtown Road  
 Ann Marie Bogdan, 114 Old Eberhart Road  
 Clifford Logan, 542 South Benbrook Road  
 Kimberly McEvoy, 104 Arlington Avenue  
 Jesse Hines, Butler Twp. Zoning Officer, 230 Crolls Mill Road, Slippery Rock, PA

Solicitor Black noted receipt of a letter by Rich Grossman, Butler Township Community Planning Consultant, dated May 15, 2015.

Rich Grossman presented information on the amendments to the Zoning Ordinance concerning the oil and gas ordinance amendments.

Zoning Officer Hines presented information on the amendments to the Zoning Ordinance concerning the non-oil and gas ordinance amendments.

Rich Grossman presented information on the new language in the ordinance for solar, wind and alternative energy systems.

A discussion followed.

Solicitor Black opened the floor to township residents that were sworn in. She reviewed the guideline that each speaker must follow.

Dennis Gaggini, presented his thoughts on oil and gas drilling in Butler Township. He appreciated the township's efforts to protect the residents.

Ann Baker, commented on the zoning amendments and likes the changes that were made. She does not feel that the ordinance is strict enough. She feels that drilling is an industrial use.

Mark Krenitsky commented on the changes and believe they are too restrictive.

Sam Hozswa commented on the changes and believes that they are an improvement but drilling should not be in R-2.

Joseph McMurry commented on the changes and believes that drilling should not be in R-2. He does not like the amendments.

Paul Cometti commented that he opposes the amendments. He would like the existing ordinance to remain in place as to oil and gas development.

Richard Kelly commented that the amendments make oil and gas development too restrictive. The township should leave the zoning ordinance as is.

Cliff Logan commented that he opposes the amendments to the oil and gas ordinance. He believes that they are too strict.

Joe Gray commented that he opposes the oil and gas amendments. He believes the setbacks are extreme.

Jacqueline Gray commented that she is opposed to the oil and gas amendments. She believes that they are too restrictive. Her son is a welder and gas development brings jobs.

Ann Marie Bogdan commented that she likes the proposed ordinance amendments. She does not want development in R-2.

Kimberly McElvoy commented that because of gas drilling, her hair is falling out. The flaring and truck traffic is disturbing to the residents.

Shawn Gallagher commented on the setbacks. He is concerned that the amendments are Defacto Exclusionary. He contests that oil and gas development is an industrial use because it provides reconditioning. He asked that the ordinance allow for combining of land to create the fifteen acre requirement in agricultural or one hundred acre requirement in R-2.

A discussion followed.

#### **8:45 – HEARING CLOSED**

Motion by Commis. Hasychak to table the decision on the Zoning Ordinance Amendment, seconded by Commis. Zarnick and carried unanimously.

Manager Kirkwood presented for the record the notice of abstention filed by Commis. Wiest pertaining to agenda item seven, 2015 Road Resurfacing Projects and agenda item nine, 2015 Greenwood Bridge Rehabilitation Project.

Manager Kirkwood opened the bids for the 2015 Road Resurfacing Project. The bids were as follows:

Bidder	Bid Bond	2,163 Tons (more or less) Super Pave Wearing Course 9.5 MM SRL G or SRL E	807 Tons (more or less) Super Pave Binder Course 19MM	25,484 Square yards Rotomilling	Total Bid Price
Glenn O. Hawbaker	yes	\$101.50	\$99.50	\$3.50	\$389,035.00
Protech Asphalt Maintenance, Inc.	yes	\$84.40	\$77.48	\$1.98	\$295,541.88
Russell Standard Corp.	yes	\$94.00	\$84.00	\$2.50	\$334,820.00
Wiest Asphalt Products & Paving Inc.	yes	\$69.50	\$69.50	\$1.55	\$245,915.20

*Motion by Commis. Zarnick to table the bids for the 2015 Road Resurfacing Projects for review, seconded by Commis. Nedz. The motion carried unanimously with Commis. Wiest abstaining.*

*Manager Kirkwood opened the bids for the 2015 Seal Coat Projects. The bids were as follows:*

Bidder	Bid Bond	In Place Double Seal Coat
Russell Standard Corp.	yes	\$489,429.05
Suit-Kote Corporation	yes	\$234,213.53
Youngblood Paving	yes	\$441,453.88

*Motion by Commis. Hasychak to table the bids for the 2015 Seal Coat Projects for review, seconded by Commis. Nedz and carried unanimously.*

*Manager Kirkwood opened the bids for the 2015 Greenwood Road Bridge Rehabilitation Project. The bids were as follows:*

Bidder	Bid Bond	551 Tons (more or less) Super Pave Wearing Course 9.5 MM SRL G or SRL E	24 Tons (more or less) Super Pave Binder Course 19MM	285 Square yards Rotomilling	1,070 Sq. Ft. Waterproof Membrane	Total Bid Price
Glenn O. Hawbaker	Yes	\$107.00	\$165.25	\$26.00	\$3.70	\$74,292.00
Russell Standard Corp.	Yes	\$100.43	\$149.67	\$15.15	\$3.50	\$66,991.76
Protech Asphalt Maintenance, Inc.	Yes	\$86.84	\$124.35	\$10.34	\$3.12	\$57,118.54
Folino Construction	Yes	\$121.00	\$107.50	\$9.55	\$4.25	\$76,520.25
Wiest Asphalt Products & Paving Inc.	Yes	\$82.68	\$82.68	\$16.10	\$2.45	\$54,751.00

*Motion by Commis. Nedz to table the bids for the 2015 Greenwood Road Bridge Rehabilitation Project for review, seconded by Commis. Zarnick and carried unanimously, with Commis. Wiest abstaining.*

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

*Mark Krenitsky, 139 Winterwood Drive, commented on the proposed zoning amendments and believes they are too restrictive.*

*Joe Gray, 75 Dutchtown Road, commented that he does not believe that the proposed ordinance allows reasonable access to minerals in the township.*

*There were no questions from the media.*

*A motion was made by Commis. Hasychak to adjourn the meeting at 9:13 PM, seconded by Commis. Zarnick and carried unanimously.*

*Theresa Guesler*