

**MINUTES OF THE
REGULAR MEETING HELD
July 6, 2015**

The regular meeting of the Butler Township Board of Commissioners was held on July 6, 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, Chief John Hays and Superintendent of Public Works Tom Knights.

Commis. Hasychak asked if there were any corrections or additions to the minutes of the June 15, 2015 meeting. There being none the minutes will stand as presented.

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

Commis. Wiest reported that the new paver is in operation. The old paver is being used by the City of Butler.

Commis. Zurzolo reported on the Recycling Event being held on Saturday, July 11th from 9:00 a.m. to 1:00 p.m.

Commis. Zarnick thanked all of the township personnel who helped with the jeep parade this year including Manager Kirkwood, Chief Hays, Lt. Pearson and the Police Department and the Buildings & Grounds Department. They are waiting for the certification from Guinness Book of World Records naming this event the world's largest jeep parade.

Commis. Hasychak reported that he and Manager Kirkwood attended the Pennsylvania Association of Township Commissioners Conference.

Public Works Superintendent Knights reported that due to the large amounts of rainfall there will be a significant road closure on Sawmill Run Road, from the Stockyard to Butler Road, scheduled this month. It will be a three to five day closure.

Manager Kirkwood reported that the audio/video people were working today installing additional equipment for the new recording software.

Manager Kirkwood reported that the roof panels for the Preston Park Maintenance Building has been completed. They are currently working on replacing the roof struts, which was not part of the original restoration project but needed replaced. It is expected to have the roof completed by the end of July.

Manager Kirkwood reported on the progress of the Content Management System.

Manager Kirkwood reported on the recent leaks in the roof of the Municipal Building and stated that all of the leaks have been repaired.

Commis. Hasychak asked for public comment on agenda items.

Dennis Gaggini, 606 Tudor Drive, commented in reference to the Unconventional Gas Drilling Presentation and listed issues that he would like the speaker to clarify. He stated that he is against drilling in residential areas and presented a petition by township residents asking for a limit for drilling in residential areas.

Kurt Kern, 141 Greenwood Drive, commented on the noise ordinance discussion and is in favor of the Police Department taking over responsibility for enforcing the noise ordinance instead of the LCE.

Joseph McMurry, 103 Windsor Drive, commented in reference to the Unconventional Gas Drilling Presentation. He commented that the number one issue should be public safety, not maximization of acreage. He also commented on the noise ordinance issue.

Mark Krenitsky, 139 Winterwood Drive, commented on the noise ordinance issue. He thanked the commissioners for the stormwater projects.

Jay Swigart, 126 ½ Greenwood Drive, representing the Swigart family, commented on the noise ordinance issue and stated that he and his family have never had a noise issue with the Rock Ann Haven. He would like the Police Department to be responsible for enforcing the noise ordinance.

Keith Monks, 139 Greenwood Drive, commented on the noise ordinance and stated that he has no issues with the Rock Ann Haven Bar. He would like a decibel limit for the noise ordinance.

Lisa Pfeifer, 135 Greenwood Drive, commented on the noise ordinance and stated that she has no issues with the Rock Ann Haven Bar. She would like a decibel level set for the noise ordinance.

Amanda Gibson, 4121 Highland Avenue, manager of the Rock Ann Haven Bar, commented on the establishment and asked that the Police Department take over responsibility of enforcing the noise ordinance.

Fugi Sisca, 140 Greenwood Drive, commented on the noise ordinance. She stated that she does not think that the Rock Ann Haven is a nuisance bar. She just has issues with the noise coming from the bar not complying with the LCE requirements.

Frank Macklin, 140 Greenwood Drive, commented on the noise ordinance. He stated that he does not think that the Rock Ann Haven is a nuisance bar. The issue is whether the bar is in compliance with the LCE noise requirements.

Dan Brockett, Penn State Extension Office, presented an overview of Unconventional Gas Drilling. A discussion followed with questions from the board and the audience.

Discussion was held over assuming the responsibility of enforcing noise levels emanating from taverns. Chief Hays presented information as to the sequence of events that brought the current noise ordinance discussion to light. He summarized the current LCE noise guidelines stating that any noise that can be heard across the licensee's property line is in violation of the ordinance. There is no decibel limit set. The township noise ordinance sets a decibel limit of ninety decibels within twenty-five feet of any property line. He commented that these are two extremes to this issue. Kurt Kem of the Rock Ann Haven would like the township to petition the LCE to assume responsibility of enforcing the noise ordinance in accordance with the township standards. Chief Hays stated that if the township takes over enforcement of this issue they would have to include all of the licensed establishments within the township. Chief Hays recommended that enforcement be left in the hands of the LCE until such time as the current township noise ordinance is revised to take into consideration the complexity of this issue. A discussion followed. Solicitor Lutz presented the legal considerations on the issue.

Motion by Commis. Zarnick to review other municipality's noise ordinances concerning noise emanating from taverns, seconded by Commis. Wiest. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Manager Kirkwood requested the authorization to draft specifications and advertise for the Traffic Signal Maintenance contract.

Motion by Commis. Wiest to authorize the drafting of specification and advertising for the Traffic Signal Maintenance Contract, seconded by Commis. Zurzolo. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Manager Kirkwood opened the bids for the 2015 Seal Coat Project. The bids were as follows.

Bidder	Bid Bond	Unit Price
Suit-Kote Corporation	Yes	\$2.39/sqyd
Youngblood Paving	Yes	\$2.45/sqyd

Motion by Commis. Wiest to table the 2015 Seal Coat Project bids for review, seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Chief Hays presented the corrected information on the request to remove the handicapped parking sign at 207 Bessemer Avenue.

Motion by Commis. Zurzolo to authorize the removal of the handicap parking sign at 207 Bessemer Avenue, seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Commis. Zurzolo presented an email dated June 23, 2015 from Karen Hepler stating her desire to be appointed to the Recycling Advisory Committee.

Motion by Commis. Zurzolo to appoint Karen Hepler, 106 Avon Drive, to the Recycling Advisory Committee, seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Manager Kirkwood presented information on record retention policies and requested revising the Township Meeting Tape Retention Policy. A discussion followed.

Motion by Commis. Hasychak to revise the meeting tape retention policy to reflect that once the minutes have been approved the recording will be erased, seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Commis. Hasychak stated that three members of the Planning Commission, Fred Maihle, Mark Swift and Ernest Oesterling, have terms expiring in 2015. Each member has expressed in writing their desire to be re-appointed to the commission.

Motion by Commis. Nedz to re-appoint Fred Maihle, 4200 Karla Drive, to the Planning Commission for a term of four years, seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Motion by Commis. Nedz to re-appoint Mark Swift, 119 Woodridge Road, to the Planning Commission for a term of four years, seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Motion by Commis. Nedz to re-appoint Ernest Oesterling, 4133 Highland Avenue, to the Planning Commission for a term of four years, seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Motion by Commis. Wiest to authorize the solicitor to draft a right-of-way agreement for the installation of Storm Water Infrastructure located at 206 Crisswell Road, seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Commis. Hasychak introduced the next agenda item by stating that the time study report from Felice Associates on the Police and Road Departments came back with the recommendation of maintaining the current office staffing in those departments.

Motion by Commis. Hasychak to offer Emily Crist a conditional offer of employment, conditioned upon the successful completion of a physical examination, background check and a nine month probationary period, seconded by Commis. Zurzolo. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Commis. Hasychak noted receipt of the 2014 Connoquenessing Creek Flood Control Authority Audit. It is available for public review.

Manager Kirkwood read an undated letter from Patti Jo Lambert, director of the Bantam Jeep Festival expressing the committee's gratitude for the help given by the township during their recent jeep parade.

Commis. Hasychak reminded everyone that there will be a special board of commissioners meeting on Monday, July 13th to discuss specific township issues. The next regularly scheduled meeting will be held on Monday, July 20th.

Commis. Zurzolo asked if the board would consider opening up the township parks to bow hunting to help cull the deer population in the township. Commis. Hasychak requested that Commis. Zarnick bring this topic up at the next Preston Park Advisory Board meeting.

Commis. Hasychak asked for public comment by township residents and taxpayers on any item of concern.

Marlene Huff, 208 Penn Avenue, commented that properties in the Lyndora area are not cutting their grass and asked the township to look into it. She presented pictures to the board.

Chris Birckbichler, 115 David Drive, presented a request by his son to have an adjustable basketball hoop installed at Lohner Park at 117 David Drive.

Motion by Commis. Zarnick to authorize the installation of an adjustable basketball hoop at Lohner Park, 117 David Drive, seconded by Commis. Zurzolo.

Commis. Hasychak asked for public comment on this non-agenda item. There was none. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Ann Marie Bogdan, 114 Old Eberhart Road, commented on Butler Eagle articles pertaining to health issues with natural gas drilling. She is against residential drilling.

Laurie Krofft, 104 Foster Drive, commented that she is against residential drilling and appreciates the diligence that the township is making in obtaining information on gas drilling.

Questions were taken from the media.

Motion by Commis. Hasychak to adjourn the meeting to executive session at 8:27 p.m., seconded by Commis. Wiest. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried. The board will not reconvene.


