

**MINUTES OF THE  
REGULAR MEETING HELD  
September 19, 2016**

The regular meeting of the Butler Township Board of Commissioners was held on September 19, 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. Joe Wiest, Commis. Charles M. Nedz and Commis. James Lokhaiser, Jr.

Also present were Manager Ed Kirkwood, Assistant Manager Cheryl McNeill, Solicitor Rebecca Black, Zoning Officer Jesse Hines, Regulations Inspector James Sproat, Chief of Police John Hays and Township Engineer Dan Deiseroth.

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

Commis. Zarnick asked if there were any corrections or additions to the minutes of the August 15, 2016 meeting. There being none, the minutes will stand as presented.

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

Commis. Nedz had nothing to report.

Commis. Lokhaiser reported that on Wednesday, September 21<sup>st</sup> the Butler Library will be holding their Annual Day of Giving through the Pittsburgh Foundation from 8:00 AM to 12:00 midnight. A percentage of all donations made to the library on this day will be matched by the Endowments for Butler County. The Library Board did not meet over the summer months. He will be attended the next scheduled meeting on September 28<sup>th</sup> and will report back to the board of commissioners.

Commis. Lokhaiser reported that the Annual Butler Township Fireman's Association Sportsman's Raffle was held on September 10<sup>th</sup>. It was a sellout event, with Fairground Market catering the event. He congratulated all who gave their time towards this event for a job well done.

Commis. Lokhaiser reported that he attended the VNA Butterfly Release held at Preston Park on September 11<sup>th</sup>. There were about 200 people in attendance.

Commis. Lokhaiser reported that an Appreciation Luncheon and Tour is scheduled for October 5<sup>th</sup> at Preston Park for the volunteers from Moraine State Park. There will be approximately 50 people at this event. A public tour of Preston Park is scheduled for Saturday, October 8<sup>th</sup> at 1:00 PM. Anyone interested in attending the tour is to call the Township Administration Office to register.

Commis. Lokhaiser reported on the work of the Monday Morning Maintenance Crew at Preston Park. They will be working on Monday mornings through the end of October. Facilities Manager Eric Heltzell and his crew were commended for their work getting the park ready for the VNA Butterfly Release. The park looked beautiful.

*Commis. Lokhaiser reported on the progress of the picnic shelter that is going to be constructed at Preston Park.*

*Commis. Zurzolo had nothing to report.*

*Commis. Wiest reported that the road paving and seal coating projects have been completed. He commended Suit Kote for their work on the seal coating projects.*

*Commis. Wiest reported on the current Road Department projects.*

*Commis. Zarnick reported that he attended a Penn State Extension meeting. He will be attending a County Recreation Board meeting where he will be reporting on all of the activities at Preston Park. He will be attending a Butler Transit Authority meeting this week.*

*Commis. Zarnick reported that he and Manager Kirkwood attended an educational conference at Seven Springs this past weekend. He stated that the sessions were quite informative and interesting.*

*Commis. Zarnick commented on the Fee Structure for the Park Rental Building concerning holiday rentals.*

*Solicitor Black had nothing to report.*

*Engineer Deiseroth gave an update on the Storm Water Projects. He stated that all of the pipe is in the ground and restoration work is being completed, with paving scheduled to begin the first week of October. In regards to the Storm Water Project being completed by the Township Road Department, the GP4 Permit is in the Conservation District's hands and is expected to be issued either this week or early next week.*

*Zoning Officer Hines reported that the Sierra Vista Plan, located behind Get Go, has withdrawn their application to have their road adopted by the Township.*

*Zoning Officer Hines introduced Regulations Inspector Jim Sproat.*

*Regulations Inspector Jim Sproat thanked the office staff for getting him up to speed and answering any questions he may have to help him out in the position.*

*Chief Hays reported that the new officer stated today. They are working at getting her acclimated to the department.*

*Assistant Manager McNeill had nothing to report.*

*Commis. Zarnick commented on the traffic signal near the Pullman Viaduct. He stated that the way the signal is currently set up is causing traffic to back up onto the viaduct and will eventually cause an accident. Manager Kirkwood stated that he agrees that it is a hazard and he has had numerous conversations with Penn Dot concerning that traffic signal. The Penn Dot representative stated that the left turn was given a designated red light because of the numerous accidents at that light and at this time do not plan on changing the current set up. Commis. Zarnick asked Chief Hays to look into the number*

of accidents reported at that intersection and forward that information to the Commissioners.

Manager Kirkwood reported on the current status of the tax assessment appeals that have been petitioned in the township. He has received forty to fifty assessment appeals to date that have been adjudicated in favor of the petitioner reducing the township's property tax revenue. He currently has twenty-eight additional assessment appeal petitions that have been filed that have not been concluded yet. Because the current property assessments are antiquated, he would like to encourage the Board of Commissioners of Butler County to think about a re-assessment so that the properties that are under assessed will be adjusted, along with the properties that were over assessed. The only other alternative for the township would be to consider raising the millage rate because we need the revenue. A discussion followed.

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

Zoning Officer Hines presented information on the Leroy Subdivision located along Fortieth Street in the R-1 (Single Family Residential) Zoned District. He introduced Cheryl Hughes of Land Surveyors, who is representing the applicant, to further present the plan.

Cheryl Hughes, Land Surveyor, 523 North Main Street, Butler, presented information on the Leroy Subdivision. The plan proposes to subdivide a lot into two lots. Ms. Hughes stated that they have received planning module approval from the Butler Sewer Authority and the Butler Township Planning Commission. It will go before the Butler County Planning Commission on Wednesday.

Zoning Officer Hines stated that the applicant has met all requirements and he recommended approval of the plan contingent upon of the Butler County Planning Commission approval

Engineer Deiseroth and Solicitor Black gave no objection to the approval recommendation, as presented.

Manager Kirkwood noted receipt of a letter from Donald Platt, 116 Fortieth Street, dated August 13, 2016 concerning storm water run-off in regards to this new parcel. He asked that the township require flood control plans before issuing building permits. The letter also stated that he is concerned that there are no township owned storm water facilities on Fortieth Street. Manager Kirkwood stated that he will have Road Superintendent Tom Knights look into the situation to see if there is something that the township should be doing in that area.

Motion by Commis. Nedz to grant final approval of the Leroy Subdivision contingent upon receipt of Butler County Planning Commission Review. 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 McGowan Change of Zoning Request. They are requesting that the zoning classification for Map & Parcels 56-11-D17B and 56-11-D16A be changed from R-1 (Single Family Residential) to C-2

(Convenience Commercial). The ordinance will need to be introduced and a public hearing date and time set. The hearing will need to be set in November due to the fact that there needs to be thirty days between the introduction of the ordinance and the public hearing. The property is located at 113 South Duffy Road and the parcel directly behind it.

Motion by Commis. Nedz to introduce an ordinance amending Butler Township Codified Ordinance, Chapter 300 (Zoning), and all previous amendments thereto, by changing the zoning classification of Map & Parcels 56-11-D17B and 56-11-D16A from R-1 (Single Family Residential) to C-2 (Convenience Commercial). Seconded by Commis. Wiest. A discussion followed. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Nedz to set the public hearing date for November 21, 2016 at 7:00 p.m. to be held at the Butler Township Municipal Building. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request for Regulations Inspector Jim Sproat to attend the Subdivision and Land Development Review Course scheduled for October 27<sup>th</sup>, November 3<sup>rd</sup> and November 10<sup>th</sup> from 6:00 PM to 9:30 PM at the Butler County Staff Development Center in Butler. The cost of the training is \$60.00.

Motion by Commis. Nedz to authorize Regulations Inspector James Sprout to attend the Course in Subdivision and Land Development Review on October 27, November 3, and November 10, 2016 from 6:00 PM to 9:30 PM at a cost of \$60.00. 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 Fire Marshal Larry Christy to attend the Pennsylvania Building Officials Conference to be held on September 28<sup>th</sup> – 30<sup>th</sup>, at the Holiday Inn in Grantville, PA. There is no cost for the Fire Marshal to attend this conference as he is an instructor for one of the classes.

Motion by Commis. Nedz to authorize Fire Marshal Larry Christy to attend the Pennsylvania Building Officials Conference to be held in Grantville PA, on September 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup> at no cost. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request to have Ptlm. Drew Blasko and Ptlm. Max Wittlinger attend Truck Enforcement Training for Municipal Officers being held at the Indiana University of Pennsylvania (IUP) Northpointe Campus in Armstrong County on October 18<sup>th</sup>. The training is being provided by the IUP Institute for Rural Health and Safety. There is no cost for the training. Lunch, if not provided, will be reimbursed and a department vehicle will be made available.

Motion by Commis. Zurzolo to authorize Ptlm. Drew Blasko and Ptlm. Max Wittlinger to attend Truck Enforcement Training for Municipal Officers being held at the Indiana University of Pennsylvania Northpointe Campus in Armstrong County on October 18<sup>th</sup> at no cost, with lunch being reimbursed if purchased. Seconded by

Commis. Lokhaiser. A discussion followed. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: No; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

A recess was called until 7:00 PM.

**7:00 p.m. - OPEN HEARING – Deshon Woods Development LLC – Change of Zoning**

Solicitor Black stated that this is the time and date set for a public hearing on the proposed Deshon Woods Development LLC – Change of Zoning. The proposal would move the property from R-1 (Single Family Residential) with an I (Institutional) Overlay to C-1 (General Commercial). The Deshon Woods property is located along Evans City Road and is described further as Map & Parcel 56-11-7A. Notice of this change and public hearing was duly advertised on September 2, 2016 and September 9, 2016 in the Butler Eagle. The matter is before the board following a favorable recommendation from the Planning Commission at its September 6<sup>th</sup> meeting. Solicitor Black noted receipt of a letter to the Butler Township Officials from Rick Grossman providing his analysis as the township planning consultant stating that there are no issues based on his review. The solicitor agrees with the letter as presented and see no issues with the opinion of the planning consultant.

A court reporter, Kelly Ferrari, is present. All in attendance who wished to testify were asked to stand and be sworn in. Zoning Officer Jesse Hines was sworn in to testify on behalf of the township.

Ted Cramner, Penn Township, Butler County, owner of the parcel provided information on their plans and efforts to find a suitable use for the property. Changing the zoning to C-1 would help them achieve their goals. All utility and Penn Dot approvals are in place. They are working with HRG Engineering to develop the property. They are working diligently to get the property developed.

Zoning Officer Hines stated that he does not have anything new to add. He agrees with the planning consultant's assessment.

Solicitor Black asked if anyone else would like to address the board or discuss any of the issues presented thus far. There was none.

Solicitor Black asked the board for any comment. There was no comment.

**7:07 P.M. - CLOSE HEARING**

Motion by Commis Nedz to pass Ordinance No. 891 amending Butler Township Codified Ordinance, Chapter 300 (Zoning), and all previous amendments thereto, by changing the zoning classification of Map & Parcel 56-11-7A from R-1 (Single Family Residential) with an I (Institutional) Overlay to C-1 (General Commercial). Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Dave Jacox, 111 Avon Drive, questioned the safety of the residents that live directly across from the Deshon property once it is a commercial development. He asked if there are plans to put a traffic signal at the end of Avon. Chief Hays stated that

*Penn Dot would need to make that determination since it is a state road. Chief Hays stated that he is aware of the hazards in that area and he has his officers doing speed checks and patrolling in the area. He suggested that Mr. Jacox call 911 if he experiences any problems and his officers will be dispatched to check out the situation.*

*Chief Hays presented the request to have Ptlm. David Tedeski attend the Southwest Regional Crisis Intervention Team Training being held at the Butler County Community College on October 3 – 7, 2016. There is no cost for the training and lunch will be provided. The training is paid for through a grant obtained by the Southwest Regional Crisis Intervention Team. The township will be reimburse \$500.00 for the officer to attend the week of training. Other township officers have attended this training and have found it very beneficial.*

*Motion by Commis. Zurzolo to authorize Ptlm. David Tedeski to attend the Southwest Regional Crisis Intervention Team Training on October 3-7, 2016, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.*

*Manager Kirkwood noted receipt of the Mercer Road Fireman's Relief Association Audit. There was one finding concerning insufficient surety bonding coverage. That issue has been corrected.*

*Manager Kirkwood noted receipt of the South Butler Fireman's Relief Association Audit. There were two findings. The first finding was an untimely deposit of state aid. The second finding was an inadequacy in regards to the signatory authority for the disbursement of funds.*

*Manager Kirkwood requested that a date and time be set for the Budget Hearing for the 2017 Budget. He recommended the first Wednesday of November at 5:00 PM.*

*Motion by Commis. Zarnick to set the date and time for the 2017 Budget Hearing for November 2, 2016 at 5:00 PM at the Butler Township Municipal Building. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.*

*Manager Kirkwood read the letter from Alexandra Miller of Champion Force Athletics, a local non-profit youth outreach program, dated August 25, 2016 requesting the use of the Park Rental Building to hold athletic classes once a week throughout the school year. She is requesting a discounted rate on the rental fee in the amount of \$100.00 per week. Manager Kirkwood stated that even though this is a non-profit organization, they do charge for their classes. He recommended that the board write back to the organization stating that they are welcome to use the building for their classes, but they will need to pay the current rental fees. A discussion followed.*

*Commis. Zarnick asked for a motion on this item. Request failed for lack of motion.*

*Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$117,531.39; Stormwater Capital Fund - \$11,008.25; Highway Aid Fund - \$22,637.80; Park Development Fund - \$27.40; General Fund (added after August Bills*

Report) - \$11,134.96; Stormwater Capital Fund (paid after August Bills Report) - \$165,853.65; Payroll Fund (prior month)- \$242,553.48.

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

Manager Kirkwood read a letter from Robert J. Straney, 127 West Wood Manor, dated August 25, 2016 concerning the seal coat work done in Westwood Manor Plan I. Mr. Staney was not pleased with the work that was done. Manager Kirkwood stated that the purpose of seal coating a road is to give it some longevity before the road would be put on the paving schedule. Commis. Zarnick stated that he and Road Superintendent Knights visited the road to inspect the work and both believe that the Seal Kote did a good job. Commis. Wiest also visited the road and agrees that it was done exceptionally well.

Commis. Zarnick asked for public comment on any item of concern. There was none.

Questions were taken from the media.

Motion was made by Commis. Lokhaiser to adjourn the meeting to Executive Session on personnel matters at 7:25 PM, seconded by Commis. Wiest and carried unanimously. The board will not reconvene.

Theresa Gustler