

**MINUTES OF THE  
REGULAR MEETING HELD  
November 21, 2016**

The regular meeting of the Butler Township Board of Commissioners was held on November 21, 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 Larry Lutz, Zoning Officer Jesse Hines, 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 stated that anyone taping the meeting is required to state their name and address at the beginning of the meeting.

Commis. Zarnick asked if there were any corrections or additions to the minutes of the November 7, 2016 meeting. There being none, the minutes will stand as presented.

Commis. Zarnick noted receipt of the monthly Fire/Zoning Department report.

Commis. Nedz had nothing to report.

Commis. Wiest reported that the Road Department was out salting the roads due to the recent snow fall.

Commis. Zurzolo wished everyone a Happy Thanksgiving and good deer hunting.

Commis. Lokhaiser reported that the Butler Library will be holding their Light-Up Night on Friday, December 2<sup>nd</sup> at 6:00 PM. The Library will close at 4:00 PM on that day to prepare for the event. Their next board meeting will be November 30<sup>th</sup>.

Commis. Lokhaiser reported that he attended the Preston Park Advisory Board meeting. He reported that there were twenty-four volunteers on the Monday Morning Maintenance Crew who gave nine hundred and twenty-seven hours of volunteer work to the township. During the Week of Caring there were a total of sixty-three people who volunteered to work at Preston Park during the week for a total of three hundred and forty-eight hours. There is a tour of Preston Park on Saturday, November 26<sup>th</sup> at 10:00 AM.

Commis. Lokhaiser reported that he rode with Sergeant Murphy with the police department on Saturday, November 19<sup>th</sup> for a twelve hour shift. He stated that it was a very enlightening and rewarding experience and he commended Chief Hays on a first class police department.

Commis. Zarnick reported that he attended a State Association of Township Commissioners meeting in Gettysburg last weekend. Issues that they will be working on

this year are Mandate Relief, Pension Reform, Binding Arbitration, Legal Notice and Advertising, Local Use of Radar, and Infrastructure Funding. He stated that the township averages around \$11,000.00 in legal advertising costs each year.

Assistant Manager McNeill had nothing to report.

Chief Hays had nothing to report.

Zoning Officer Hines reported that the Thompson-Green Project was issued their Occupancy Permit. Maurice's at Butler Commons, Mattress Firm in Greenwood Plaza, and Levin Mattress at Butler Crossings opened this week with five other vendors opening in the near future.

Township Engineer Deiseroth had nothing to report.

Solicitor Lutz had nothing to report.

Commis. Zurzolo thanked the board for preparing the proclamation for the Veteran of the Year. He commended the work of the Veteran's Court.

Manager Kirkwood reported that West Penn Power has been diligently working to convert the township street lights to LED lights. He stated that he has received a number of phone calls from residents thanking the township for the conversion.

Jeffrey Thompson, Commander of Chapter 64, Butler Chapter, of the Disabled American Veterans (DAV) and Ralph Mariotti, Butler Township resident and First Vice-Chairman, presented the Board of Commissioners with a proclamation and plaque to express their gratitude for allowing the DAV to hold their monthly meetings at the Park Rental Building and for their commitment to helping our local veterans.

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

Zoning Officer Hines presented the ninety day extension request by Dollar Tree Land Development on Freeport Road. He recommended approval.

Motion by Commis. Nedz to pass Resolution 16-35, extending the Structures, LLC (Dollar Tree) final approval until February 20, 2017. Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented highlights of the 2017 Budget. The budget, as presented, does not require a tax increase for 2017. Commis. Zarnick commended the Manager and the Township Staff for their efforts in creating this budget.

Motion by Commis. Lokhaiser to introduce the 2017 Budget Ordinance, as presented. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the proposed 2017 Real Property Tax Ordinance. The proposed Tax Rate for Real Estate is 11.25 mills designated as follows: General

Township Purposes - 7.063 mills; Fire Protection Services - 2.524 mills; Debt Services - 1.663 mills. There will be a two percent discount on taxes paid prior to April 30, 2017 and a ten percent penalty added as of July 1, 2017.

Motion by Commis. Zarnick to introduce the 2017 Real Property Tax Ordinance, as presented. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the Dek Hockey Management bids. Two bids were received. James and Robert Queen were the only bidders meeting specifications.

Motion by Commis. Lokhaiser to award the 2017 Dek Hockey Management contract to James and Robert Queen. Seconded by Commis. Nedz. A discussion followed concerning the specifications. Manager Kirkwood stated that one of the requirements of the specifications was for the bidder submitting the proposal to have a USA Hockey Level 4 Coaching License. The second bidder did not present this documentation with their bid. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood opened the bids for the Janitorial Service for 2017 & 2018.

<b>Company</b>	<b>Bid Bond</b>	<b>Bid 1/1/2017 to 12/31/2017</b>	<b>Bid 1/1/2018 to 12/31/2018</b>
Connie's Cleaning Inc.	Yes	\$1,700.00/Month	\$1,700.00/Month
The ARC of Butler	Yes	\$1,795.42/Month	\$1,795.42/Month

Motion by Commis. Zarnick to table the bids for the Janitorial Service contract for review. Seconded by Commis. Nedz. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Engineer Deiseroth presented the payment request by R & B Construction in the amount of \$70,756.30. There will be one final payment due on the project after the final punch list items are completed. He recommended payment. A discussion followed.

Motion by Commis. Wiest to authorize payment to R & B Construction for the Storm Sewer Project in the amount of \$70,756.30. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

#### **7:00 p.m. - OPEN HEARING – McGowan – Change of Zoning**

Solicitor Lutz stated that this is the time and place set for a public hearing on the proposed Change of Zoning request by Robert W. McGowan. The meeting has been duly advertised and the proper parties and persons notified. The township has received a copy of the application, a copy of the survey prepared by Land Surveyors Inc. The application pertains to two parcels located on Duffy Road, Map & Parcels 11-D16A and 11-D17B from R-1 (Single Family Residential) to C-2 (Convenience Commercial). Solicitor Lutz summarized a letter from Township Planning Consultant Richard Grossman, dated October 26, 2016, in which Mr. Grossman did not recommend this

change. The letter was included in the record. The Solicitor also noted that the Planning Commission did not recommend approval of the requested zoning change.

A court reporter, Kelly Ferrari, is present. All in attendance who wished to testify were asked to stand and be sworn in.

Solicitor Lutz asked that anyone who wished to speak come to the microphone one at a time and state their name and address before commenting.

John Bench, attorney for Dillan, McCandless, representing the applicant Robert McGowan, presented information on the proposed change of zoning request.

Bob McGowan, 1423 Pueblo Drive, Pittsburgh, PA, owner of the property, was questioned by Attorney Bench in regards to the requested change of zoning. Mr. McGowan stated that all of the property north of him on Duffy Road is currently zoned commercial and he thought that it made perfect sense that these properties would be zoned commercial. He stated that he does not currently have plans for the development of the property and is not under contract with anyone to develop the property. He does not feel that the current house is appropriate for development in C-2 zoning. A new building or significant renovations would be required for any new development.

The board had no questions for the applicant.

Attorney Bench presented additional information from the survey.

Donald Boardman, 144 North Duffy Road, representing Trinity Presbyterian Church, stated that the church is not in favor of the change of zoning because of the variety of accepted uses in C-2 zoning districts and possible traffic issues.

John McCain, 110 Staley Avenue, stated he is not in favor of the change of Zoning because of the variety of accepted uses in C-2 zoning districts, possible traffic issues and water retention and run off from any new development.

Pete Rogerson, 123 Staley Avenue, stated that he is not in favor of the change of zoning because of the potential traffic issues and possible water runoff and water retention issues.

Attorney Bench addressed the concerns that were mentioned. He stated that just because a property is zoned C-2 does not mean that they could do anything that they wanted. The township would still have control over what is developed on that property. He stated that the nature of the neighborhood is changing. It is not a residential area anymore. They believe their request is a natural extension to the existing zoning. If the board votes to deny their request, he asked that they give some direction or feedback as to how to proceed in the future.

Solicitor Lutz commented that Mr. Grossman stated in his letter that this is not a spot zoning issue or an exclusionary issue. The board can decide how ever it likes without regard for these legal issues. He stated that Mr. Grossman did have other concerns which he stated in his letter which led to his unfavorable recommendation for the change

of zoning which the board could choose to adhere to or not. He also stated that the board is not legally required to state reasons for their vote, but they can if they choose to do so.

### **7:26 P.M. - CLOSE HEARING**

Motion by Commis. Nedz to deny the request to amend Butler Township Codified Ordinance, Chapter 300 (Zoning), by changing the zoning classification of Map & Parcels 11-D16A and 11-D17B from R-1 (Single Family Residential) to C-2 (Convenience Commercial). Seconded by Commis. Wiest. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Solicitor Lutz thanked everyone who came and made comments. He appreciated everyone's professionalism. Zoning Officer Hines is available to discuss any questions on how to proceed in the future.

Pete Rogerson, 123 Staley Avenue, questioned what the final vote was. Solicitor Lutz stated that the request was denied, but any resident can make a request for a change of zoning at any time. There is a procedure to follow, which the applicant followed.

Manager Kirkwood requested board approval to offer a conditional probation appointment for the position of entry level patrolman. The conditions being: successful passing of a physical examination, drug screen, psychological testing and a twelve month probationary period during which time the individual will be considered an at will employee. An officer recently submitted his letter of retirement.

Motion by Commis. Lokhaiser to offer a conditional probation appointment for the position of entry level patrolman. Seconded by Commis. Nedz. A discussion followed. Manager Kirkwood explained the financial aspects of hiring the new patrolman in 2016 and the potential contract issues in regards to vacations in 2017. He and Chief Hays recommend a start date of January 3, 2017 to avoid any contract issues. The discussion continued as to the timing of the testing. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$170,352.50; Highway Aid Fund - \$27,683.26; Park Development - \$2,328.80; General Fund (added after October Bills Report) - \$94,658.68; Stormwater Capital Fund (paid after October Bills Report) - \$2,903.75; Debt Service Reserve Fund (paid after October Bills Report) - \$24,506.16; Highway Aid Fund (paid after October Bills Report) - \$8,951.50; Park Development (paid after October Bills Report) - \$248.50; Payroll Fund (prior month) - \$247,479.38.

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

Manager Kirkwood read a letter from the Ellen O'Brien Gaiser Center dated November 17, 2016, thanking the township representatives for attending the luncheon held on October 25<sup>th</sup> and expressing their appreciation for the support they received from the township.

*Manager Kirkwood read a letter from the Butler County Board of Commissioners, dated November 17, 2016, requesting a meeting to discuss the possibility of the County's participation in the Butler Transit Authority and the funding required by the county to make this participation possible. Commis. Zarnick recommended that we go into talks with the county and the city to see about the county taking over for this service. A discussion followed. There was a consensus from the board to move forward and schedule a meeting with Butler City and Butler County concerning the Butler Transit Authority.*

*Questions were taken from the media.*

*Motion was made by Commis. Zarnick to adjourn the meeting to executive session at 7:50 PM, seconded by Commis. Wiest and carried unanimously. The board will not reconvene.*

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