

**MINUTES OF THE  
REGULAR MEETING HELD  
September 21, 2015**

The regular meeting of the Butler Township Board of Commissioners was held on September 21, 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. Sam Zurzolo, Commis. Joe Wiest 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, Zoning Officer Hines and Township Engineer Dieseroth.

Pres. Hasychak asked if there were any corrections or additions to the minutes of the August 17, 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. Wiest had nothing to report.

Commis. Zurzolo reported he received a telephone call requesting top soil to be placed behind the recently paved curb in Sterling Glen. This issue will be taken care of.

Commis. Zurzolo requested Zoning Office Hines inform the Board of his discussions with resident of Westwood Manor. Zoning Office Hines reported West Penn Power is relocating electric poles and they are following the regulations established by the Public Utility Commission.

Commis. Zurzolo asked Solicitor Black if there is any action we can take to have the owner restore Deshon Woods. Solicitor Black stated the owners have not violated any Township requirement, however, we should have discussions with the Conservation District, as they have a bond and are able to force remediation.

Motion by Commis. Zurzolo to permit the closure of Hazlett Street from 1:00 to 4:00 on October 4<sup>th</sup>, seconded by Commis. Nedz. Prior to the vote, this item was opened to the public. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes, Zarnick: Yes and Hasychak: Yes. Motion Carried.

Commis. Zurzolo reported on the renovations occurring at the playground on Institute Hill.

Commis. Nedz did not have a report.

Commis. Zarnick reported he attended the Preston Advisory Board meeting and an Eagle Scout project to construct a picnic shelter at Preston Park. The Preston Park Volunteer group was working again today. The week of caring is scheduled for October 12<sup>th</sup>

through the 16<sup>th</sup>. On September 11<sup>th</sup> AmeriCorps worked on cleaning up the dam area of the large pond.

Last week Commis. Zurzolo, Manager Kirkwood and himself attended the Fire Officials meeting. One item of discussion was the number of hours the firemen expend attending community events. This is over and above the time they spend for meetings, training and answering calls.

Commis. Hasychak reported that contract negotiations continue for the Police Department. The contract expires on December 31, 2015.

Commis. Hasychak reported we have had an ongoing issue with Rock Ann haven. The Zoning Officer has gathered sample ordinances that need to be turned over to the Solicitor and Board members for next month's second meeting agenda. We also have zoning ordinances that are outstanding, one of which is Marcellus Shale Gas that is in litigation. We can exclude the gas & oil provision and adopt specific sections. This item will appear on next month's second meeting agenda.

Zoning Officer Hines had no report.

Township Engineer Deiseroth reported that a pre-construction meeting was held for the Alameda, Duffy and Colleen projects. Work will commence on Duffy, move to Alameda and then to Colleen.

Solicitor Black had no addition discussion items.

Manager Kirkwood reported that West Penn Power has been repairing the street lights with only 19 remaining for repair.

Manager Kirkwood reported that the camera vendor will be on site tomorrow to reprogram the camera.

Manager Kirkwood reported on a message he sent to Congressman Kelly requesting another town hall meeting to have VA representatives available to answer specific questions. As of this date an answer has not been received.

Manager Kirkwood reported on an email he received from Penn Dot regarding the construction of a new roadway from the entrance to SR0422 west to Lions Road. This will result in the demolition of the Lions Road Bridge. There is a possibility that a traffic signal may be required. Penn Dot is requesting comments from the Township. In addition, this Thursday representatives from Cambridge Health Systems will be meeting with Penn Dot to discuss the construction of a new road from this area to North Duffy Road.

Commis. Hasychak asked for public comment on agenda items.

Zoning Officer Hines presented the request by KLTF to approve a modification for odd shaped lots.

Motion by Commis. Nedz to grant a modification for odd shaped lots in the KLTF Subdivision. Seconded by Commis. Zurzolo. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick, Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by KLTF to approve the subdivision with contingencies.

Motion by Commis. Nedz to grant final approval of the KLTF Subdivision contingent upon receipt of an approved planning module from DEP. Seconded by Commis. Zurzolo. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by PA American Water to approve the land development with contingencies.

Motion by Commis. Nedz to pass a resolution granting final approval of the PA American Water Land Development contingent upon:

1. Posting of financial security in an amount and form acceptable to the Township Solicitor, and
2. Executed Developer's Agreement.

Seconded by Commis. Zurzolo. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by Visiting Nurses Association and Butler Cancer Center to approve the subdivision.

Motion by Commis. Nedz to grant final approval of the Visiting Nurses Association and Butler Regional Cancer Center Subdivision. Seconded by Commis. Wiest. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by Visiting Nerone to approve the subdivision.

Motion by Commis. Nedz to grant final approval of the Nerone Subdivision. Seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by Dollar General to release the Amenities Bond in the amount of \$124,056.46 contingent upon receipt of an 18 month Maintenance Bond in the amount of \$16,916.79.

Motion by Commis. Nedz to release the Dollar General Amenities Bond in the amount of \$124,056.46, contingent upon receipt of an 18-Month Maintenance Bond in the amount of \$16,916.79. Seconded by Commis. Wiest. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by VA Butler Partners Company to pass a resolution extending their final approval until December 15, 2015.

Motion by Commis. Nedz to pass a resolution extending the VA Butler Partners Company, LLC final approval until December 21, 2015. Seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Nedz to authorize the attendance of Zoning Officer Hines to the PA Chapter of the American Planning Association Annual Conference to be held at the Westin Convention Center in Pittsburgh from October 18<sup>th</sup> through October 20<sup>th</sup> at the cost of \$375.00, plus mileage and parking. Seconded by Commis. Wiest. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Hasychak to authorize the attendance of Manager Kirkwood to the fall APMM Manager Meeting at a cost of \$65.00, plus mileage. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Manager Kirkwood presented the MMO requirements for the Police Pension Plan and Municipal Employees Pension Plan.

Motion by Commis. Zarnick accept the 2016 MMO's as presented by Manager Kirkwood. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Zarnick to authorize attendance to the 2015 Butler Bounty Association of Township Officials Fall Convention for Commissioners and Manager. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Zurzolo to authorize the Police Civil Service Commission to conduct testing for entry level Police Officer. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Zurzolo to appoint Richard P. Gigliotti as an alternate member of the Police Civil Service Commission. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Wiest: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$360,169.32; Stormwater Capital Fund - \$11,016.93; Equipment Capital Fund - \$4,085.00; Highway Aid Fund - \$21,572.22; Park Development Fund - \$19,696.87; General Fund (added after August Bills Report) - \$272,143.90; Storm Water Pond Maintenance Fund (added after August Bills Report) - \$775.00; Highway Aid Fund (added after August Bills Report) - \$11,550.82; Park Development Fund (added after August Bills Report) - \$15,240.00; Payroll Fund (prior month) - \$230,732.72..

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

Manager Kirkwood read a thank you card from Sue Edwards; Carolyn Stutz and Nancy Dau regarding a recent tour of Preston Park presented by Tony Stagno.

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

Anne Baker, 111 South Woodlawn Road, reported she attended the SLAPP Hearing after which the other law suit will be decided. Ms. Baker stated over 100 people attended the recent rally with a lot of speakers. Ms. Baker provided additional information to Zoning Officer Hines for distribution. Ms. Baker also discussed additional items concerning health related issues with fracking.

There were no questions from the media.

Motion was made by Commis. Zarnick to adjourn the meeting at 7:41 PM, seconded by Commis. Nedz and carried unanimously.

Theresa Giesler