

**MINUTES OF THE  
REGULAR MEETING HELD  
October 19, 2015**

The regular meeting of the Butler Township Board of Commissioners was held on October 19, 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 and Commis. Charles M. Nedz. Commis. Joe Wiest was absent.

Also present were Manager Ed Kirkwood, Solicitor Larry Lutz, Zoning Officer Jesse Hines, Chief John Hays, Superintendent of Public Works Tom Knights, Fire Marshal Larry Christy, Township Engineer Dennis Flynn with The Gateway Engineers, and Engineer Bill Braun with Senate Engineering.

Pres. Hasychak called the meeting to order followed by a moment of silence.

Emily Cornish 2<sup>nd</sup> grader at Connoquenessing Elementary School led the pledge of allegiance to the flag.

Solicitor Lutz asked that if anyone is taping the meeting to please identify themselves. Mr. Mike Bagdes-Canning of 264 East Unity Road - Emlenton, PA 16373 and Mr. Ryan Saeler with the Butler Media Group will be recording the meeting.

Pres. Hasychak asked if there were any corrections or additions to the minutes of the September 21, 2015 meeting. There being none, the minutes will stand as presented.

Pres. Hasychak noted receipt of the following monthly reports: Treasurer, Police, Road and Fire/Zoning.

Commis. Zurzolo and Commis. Nedz had nothing to report.

Commis. Zarnick reported that it is Fire Prevention Month. The Butler Township Fire Departments have been out to the schools and daycares to preach and demonstrate fire safety.

Commis. Zarnick reported on the Week of Caring at Preston Park. He asked that Manager Kirkwood send letters to AGR, Baglier Buick and Peoples TWP to thank them for their help in performing choirs at Preston Park that we would not have been able to accomplish without these groups. Commis. Zarnick will have the coordinators of all the jobs at the next meeting to give an overview of the work performed at Preston Park.

Commis. Zarnick reported that two of our tour guides gave tours of Preston Park to about 40 people.

Commis. Zarnick reported that the Butler County Tourism will be filming the trees and fall foliage at the Preston Park.

Commis. Hasychak reported that Commis. Zurzolo, Commis. Zarnick and he attended a luncheon at the Gaiser Center. There were tremendous speakers and it was very motivating.

Commis. Hasychak reported that Manager Kirkwood, Commis. Zurzolo, Commis. Zarnick, Police Chief Hays and he met with the City Council.

Commis. Hasychak reported that police contract negotiations are still ongoing; they have met several time.

Fire Marshal Christy reported on the Fire Prevention Poster Contest. He would like to thank all the schools, students, and teachers for their time. There were a lot of nice posters.

Superintendent of Public Works Knights reported on their new work order management software. Training was completed in the summer and implementation was the first part of September. The Road Department has been exclusively using the software since September and are going back since the first of the year and inputting that information into the system.

Police Chief Hays reported on their new duty weapons that were purchased by a grant from the Lyndora American Legion. Everyone that qualified to use them are carrying them now. Commis. Hasychak asked that Police Chief Hays take one over to the Lyndora American Legion at their next meeting to show them.

Zoning Officer Hines had nothing to report.

Township Engineer Flynn reported on the project status report for storm sewer projects. The contractor is finishing up site work for Alameda Road and then will be moving on to Duffy Road and Bessemer Avenue this year. Colleen Street, Township Line Road and Cupps Road will be completed next year.

Solicitor Lutz reported that he will be recommending that the Board of Commissioners table Agenda Item Number 7 Decision – Zoning Ordinance Amendments. Solicitor Lutz explained that there are current cases where the judges are going to make decisions, which will most likely be appealed. He recommends tabling the Zoning Ordinance Amendments until we see what happens with the court decisions so that we do not have to keep amending the ordinance.

Manager Kirkwood reported that 40% of the administrative staff has been off on medical leave due to surgeries. Regulations Inspector Steve Homison has returned to work today and Office Assistant Marcie Love is due back the middle of November. He would like to publicly commend the staff collectively for their efforts and chipping to help.

Manager Kirkwood reminded the Board of Commissioners, Police Chief Hays, Superintendent of Public Works Knights and Zoning Officer Hines that a 2016 Budget Meeting has been scheduled for Wednesday, November 4, 2015 at 4:30 p.m. to review and discuss the aspects of the 2016 Operating Budget for Butler Township. He explained that

this is a Public Meeting and encouraged the residents to attend. Manager Kirkwood explained that advertising has already been placed.

Edward Kirkwood made a public statement regarding Thursday's, October 15, 2015 Butler Eagle newspaper headline article "Center Township Proposes TIF District, for the purpose of roadway and sewage infrastructure improvements". Edward Kirkwood explained that his statement only reflects his thoughts and is not an official statement of the Butler Township Board of Commissioners.

Commis. Hasychak explained that there was to be a meeting with Congressman Kelly, but when Congressman Kelly contacted the VA, they refused to come to the meeting; therefore, the meeting got cancelled.

Commis. Zurzolo asked if Butler Township will be putting lines on Greenwood Drive and Duffy Road. Manager Kirkwood stated that they will be putting the lines on Greenwood Drive this year only as a safety precaution because the street lights are far apart and they do not meet Butler Township requirements. Manager Kirkwood also stated that Butler Township has a standing policy that we provide street lights; therefore we do not provide lines.

Commis. Zarnick stated that he appreciates all the time that Manager Kirkwood has put into the proposed VA project. He also stated that we are still waiting for Congressman Kelly to get back to or meet with Butler Township.

Commis. Zarnick stated that regarding the Lions Road Bridge, Butler Township was willing to meet with anyone at any time; they met with Butler City twice. Now all of a sudden Center Township is saying the bridge is not needed. Commis. Zarnick wishes Center Township would have met with Butler Township.

Commis. Hasychak stated that it is in violation of the Sunshine Act to have a private meeting.

Commis. Nedz had nothing to report.

Commis. Zarnick reported that McQuiston Elementary School submitted the most entries this year and won the traveling trophy. Fire Marshal Christy will present the principal with the trophy.

Commis. Zarnick announced the following winners of the 2015 Fire Prevention Poster Contest:

Logan Undercuffler – Kindergarten – Connoquennessing Elementary School  
 Chloe Feil – 1<sup>st</sup> Grade – McQuiston Elementary School  
 Emily Cornish – 2<sup>nd</sup> Grade – Connoquennessing Elementary School  
 Grace Persichini – 3<sup>rd</sup> Grade – McQuiston Elementary School  
 Emma Graham – 4<sup>th</sup> Grade – McQuiston Elementary School

Fire Marshal Christy handed out awards to all the winners of the 2015 Fire Prevention Poster Contest.

*Commis. Hasychak asked for public comment on agenda items.*

*Joe McMurry – 103 Windsor Drive - Had a statement ready, but will hold off until Butler Township makes a decision on the Zoning Ordinance. He wanted to know which ordinance is in effect if a drilling company submits plans to the township. Solicitor Lutz stated that the 2012 ordinance is in effect, but there could be legal issues if someone comes in while something is pending.*

*Anne Baker - 111 S. Woodlawn Road – She is confused over which oil and gas ordinance would be in effect. Solicitor Lutz explained that Butler Township can seek to enforce the ordinance retroactively if Butler Township chooses.*

*Anne Marie Bogdan – 114 Old Eberhart Road – Her understanding of the oil and gas ordinance is that anything new would be evaluated by Butler Township, but when the new amendments are approved then they would have to follow that new ordinance.*

*Mark Krenitsky – 139 Winterwood Drive – He thinks oil and gas should stay the same; there are a lot of new jobs, development, and gas prices are down.*

*Mr. Jonathan Garczewski with The Gateway Engineers was in attendance to represent the Keystone Ridge Land Development.*

*Zoning Officer Hines presented the request by Foothold, LP to approve the Keystone Ridge Land Development with contingencies.*

*Motion by Commis. Nedz to pass resolution number 15-24 granting final approval of the Keystone Ridge Land Development contingent upon*

- 1. Compliance with Senate Engineering Company's letter dated September 23, 2015,*
- 2. Posting of financial security in an amount and form acceptable to the Township, Solicitor,*
- 3. Executed Developer's Agreement, and*
- 4. Butler Area Sewer Authority Approval*

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

*Mr. Salvatore Monroe and Mr. Randy Hake with Cedarwood Development and Mr. Jonathan Garczewski with The Gateway Engineers were in attendance to represent the Butler Crossing Lot #5 Land Development.*

*Zoning Officer Hines presented the request by Butler Sitework Associates LLC to approve the Butler Crossing Lot #5 Land Development with contingencies.*

*Motion by Commis. Nedz to pass resolution number 15-25 granting final approval of the Butler Crossing Lot #5 Land Development contingent upon*

- 1. Compliance with Senate Engineering Company's letter dated October 19, 2015,*

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

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

Engineer Flynn presented the request by United Growth to reduce the Greenwood Plaza bond by \$504,474.50, leaving the new bond amount of \$1,555,926.81.

Motion by Commis. Nedz to reduce the Greenwood Plaza bond by \$504,474.50, leaving the new bond amount of \$1,555,926.81. Seconded by Commis. Zurzolo. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by Dr. John Paul Keelan to pass a resolution extending their final approval until January 18, 2016.

Motion by Commis. Nedz to pass resolution 15-26 extending the Keelan final approval until January 18, 2016. Seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines presented the request by Speedway LLC to pass a resolution extending their final approval until January 18, 2016.

Motion by Commis. Nedz to pass resolution 15-27 extending the Speedway LLC final approval until January 18, 2016. Seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Nedz to table Section A, dealing with oil and gas operations, of the proposed ordinance amending Chapter 300 (Zoning) of the Codified Ordinances of Butler Township, and all previous amendments thereto. Seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Motion by Commis. Zurzolo to take out Section F of the proposed Ordinance amending Chapter 300 (Zoning) of the Codified Ordinances of Butler Township, and all previous amendments thereto. There was no second. Motion died due to a lack of a second.

Motion by Commis. Nedz to pass Ordinance 887 amending Chapter 300 (Zoning) of the Codified Ordinances of Butler Township, and all previous amendments thereto, excluding Section A, dealing with oil and gas operations, and renumbering all of the other sections accordingly. Seconded by Commis. Zarnick. The vote was: Nedz: Yes; Zurzolo: No; Zarnick: Yes and Hasychak: Yes. Motion Carried.

Zoning Officer Hines gave an update on the Noise Ordinance. He is working with a company that can draft an ordinance, come to a meeting to discuss the ordinance, and complete sound studies. He is waiting on a quote. Chief Hays does not feel we need to have a company to do a study and does not think it will take care of the issue. Solicitor Lutz explained that all noise ordinances are difficult to enforce, but it is more beneficial to have consultant.

*Motion by Commis. Zurzolo to table the noise ordinance. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes and Hasychak: Yes. Motion Carried.*

*Manager Kirkwood opened the bid for solid waste and recycling. One bid was received, from Vogel Disposal Services Inc. Manager Kirkwood stated that they had a bid bond.*

*Manager Kirkwood explained that the specifications have changed dramatically since we were not in compliance with the County Ordinance on solid waste collection. The County Ordinance is clear that you cannot bid and enter into a contract if your specifications are for unlimited collection.*

Bidder	Bid per month per household for one (1) 30-gallon bag of solid waste disposal weekly and bi-weekly recycling pick-up and proper disposal for each dwelling unit for the period beginning January 1, 2016 and ending December 31, 2016.	Bid per month per household for two (2) and up to five (5) 30-gallon bag of solid waste disposal weekly and bi-weekly recycling pick-up and proper disposal for each dwelling unit for the period beginning January 1, 2016 and ending December 31, 2016.	Bid per month per household for one (1) 30-gallon bag of solid waste disposal weekly and bi-weekly recycling pick-up and proper disposal for each dwelling unit for the period beginning January 1, 2017 and ending December 31, 2017.	Bid per month per household for two (2) and up to five (5) 30-gallon bag of solid waste disposal weekly and bi-weekly recycling pick-up and proper disposal for each dwelling unit for the period beginning January 1, 2017 and ending December 31, 2017.	Bid per month per household for one (1) 30-gallon bag of solid waste disposal weekly and bi-weekly recycling pick-up and proper disposal for each dwelling unit for the period beginning January 1, 2018 and ending December 31, 2018.	Bid per month per household for two (2) and up to five (5) 30-gallon bag of solid waste disposal weekly and bi-weekly recycling pick-up and proper disposal for each dwelling unit for the period beginning January 1, 2018 and ending December 31, 2018.	Bid per month for rear yard service (paid annually) for the period beginning January 1, 2016 and ending December 31, 2016.	Bid per month for rear yard service (paid annually) for the period beginning January 1, 2017 and ending December 31, 2017.	Bid per month for rear yard service (paid annually) for the period beginning January 1, 2018 and ending December 31, 2018.	Bid per month for poly cart service (paid quarterly) for the period beginning January 1, 2016 and ending December 31, 2018.
Vogel Disposal	\$13.90/mo.	\$15.50/mo.	\$14.17/mo.	\$15.81/mo.	\$14.46/mo.	\$16.12/mo.	\$33.90/mo.	\$34.17/mo.	\$34.45/mo.	\$17.50/mo.

*Motion by Commis. Zurzolo to table the bid for solid waste and recycling for further review. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.*

Motion by Commis. Zarnick to distribute the Fire Relief monies as follows: Fire District #3 receiving \$58,102.97; Mercer Road Volunteer Fire Department #6 and South Butler Volunteer Fire Department #7 both receiving \$27,800.73; for a total of \$113,704.43. Seconded by Commis. Nedz. The vote was: Nedz: Yes; Zurzolo: Yes; Zarnick: Yes; Hasychak: Yes. Motion Carried.

Commis. Hasychak noted receipt of the Butler Area Sanitary Authority 2014 Audit. Manager Kirkwood stated that it appears to be in proper order. Commis. Hasychak stated that it is in the Manager's Office for any of the Commissioners to review.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$545,746.73; Stormwater Capital Fund - \$5,292.25; Highway Aid Fund - \$23,498.67; General Fund (added after September Bills Report) - \$12,250.85; Payroll Fund (prior month) - \$238,253.48.

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

Manager Kirkwood noted receipt of and read a fax dated October 16, 2015 from Supervisors Latuska, Smallwood, Frenchak, Jr. and Wulff from Center Township regarding their interest in creating a Tax Increment Financing program for future development. They would like to meet with the Butler Township Board of Commissioners. Commis. Hasychak directed Manager Kirkwood to move forward by sending a letter to Center Township regarding setting up a meeting.

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

Anne Marie Bogdan – 114 Old Eberhart Road – Thanked Manager Kirkwood and the Board of Commissioners for fighting to keep the Lions Bridge open.

Dave Heltzell – 100 Marion Drive – He would like a letter sent to CW Howard also for the Preston Park Week of Caring. He also questioned the solid waste bid and leaf collection.

Karen Marshall – 208 North Duffy Road – She questioned the 30 gallon bags. She also thinks that a lot of work and money is going into the noise ordinance just to benefit one or two individuals.

Questions were taken from the media.

Motion was made by Commis. Hasychak to adjourn to an executive meeting on personnel matters at 8:41 PM and the Commissioners will not come back to order, seconded by Commis. Nedz and carried unanimously.

  
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Theresa Giesler