

**MINUTES OF THE
REGULAR MEETING HELD
December 18, 2017**

The regular meeting of the Butler Township Board of Commissioners was held on December 18, 2017 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 and Commis. Jim Lokhaiser, Jr. Commis. Charles M. Nedz was absent.

Also present were Manager Edward Kirkwood, Asst. Manager Cheryl McNeill, Solicitor Rebecca Black, Zoning Officer Jesse Hines, Township Engineer Dan Deiseroth and Public Works Superintendent Tom Knights.

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

Pres. Zarnick stated that anyone taping the meeting is required to state their name and address at the beginning of the meeting. Ryan Saeler, Butler Radio Network, recorded the meeting.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the November 20, 2017 meeting. There being none, the minutes will stand as presented.

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

Commis. Lokhaiser had nothing to report.

Commis. Zurzolo had nothing to report.

Commis. Wiest reported on the Road Department's response to the recent snow event and commended them on their work.

Solicitor Black had nothing to report.

Zoning Officer Hines had nothing to report.

Asst. Manager McNeill acknowledged receipt of donations to Preston Park from Kenneth Geibel and an anonymous donor.

Road Superintendent Knights reported that he, Commis. Zarnick, and Asst. Manager McNeill attended the PennDot winter meeting on December 11th.

Commis. Zarnick reported that he participated in Leadership Butler County on December 8th at the Eagle Printery Office.

Commis. Zarnick reported that he and Manager Kirkwood were in Harrisburg on December 13th and 14th for the First Class Township Code Rewrite Committee meeting.

Commis. Zarnick reported that he attended the Ace Hardware Grand Opening Ceremony on December 12th.

Commis. Zarnick reported that he was on the inaugural bus ride to Pittsburgh this morning.

Manager Kirkwood presented the board with information on the Category 4 licensed gambling facility agenda item. A resolution will need to be passed if the Board desired to opt out of allowing one of these facilities in the township. He stated that if the Board decides to opt out at this time they can choose to opt back in at a later time, but if they decide to allow it now they cannot opt out later.

Manager Kirkwood reported that he and Asst. Manager McNeill met with our insurance carrier representative to go over the renewals for 2018 insurance coverage. Information on the insurance premiums was presented to the Board. He recommended renewing the coverage as presented.

Commis. Zarnick commented that the Township was only notified of the requirement to opt out of the Category 4 licensed gambling facility by the PA Municipal League and wondered why this information did not come from the State. A discussion followed.

Engineer Deiseroth reported that he has been working with Asst. Manager McNeill on the DCNR Grant Application for the Preston Park Restrooms.

Each of the Commissioners, Manager Kirkwood and Asst. Manager McNeill wished everyone a Happy Holiday Season.

Zoning Officer Hines presented information on the D. K. Holman Subdivision. The referenced Subdivision Plan is located between South Highland Avenue and Vic's Lane in the R-1 (Single Family Residential) Zoned District. The plan proposes a lot line revision between two existing lots. He recommended approval.

Engineer Deiseroth and Solicitor Black had no objections to the plan as presented.

Motion by Commis. Lokhaiser to grant final approval of the D. K. Holman Subdivision. Seconded by Commis. Zurzolo. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the ninety day extension request by Burger King. He recommended approval.

Motion by Commis. Lokhaiser to pass Resolution 17-24, extending the Burger King final approval until March 19, 2018. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Commis. Zarnick asked for public comment on agenda items.

Mark Krenitsky, 139 Winterwood Drive, commented in favor of allowing the Category 4 Licensed Gambling Facilities in the Township.

Manager Kirkwood presented the 2018 Budget as introduced on November 20, 2017.

Motion by Commis. Zarnick to pass Ordinance No. 895, the 2018 Budget Ordinance, as presented. Seconded by Commis. Zurzolo. Commis. Lokhaiser asked for the savings that were incurred by switching the street lights to LED. Manager Kirkwood stated the saving

to the township was \$118,500.00. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the 2018 Real Property Tax Ordinance as introduced on November 20, 2017. The proposed Tax Rate for Real Estate is 11.25 mills designated as follows: General Township Purposes - 7.493 mills; Fire Protection Services - 2.747 mills; Debt Services - 1.01 mills.

Motion by Commis. Zarnick to pass Ordinance No. 896, the 2018 Real Property Tax Ordinance, as presented. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the proposed resolution enacting the Act 511 Taxes which include the earned income tax of one (1) percent; local services tax of \$52.00; Real Estate Transfer Tax of one (1) percent; per capita tax of \$5.00; Mercantile Wholesale Tax of one (1) mill; Mercantile Retail Tax of one and a quarter (1.25) mill; Business Privilege Tax of one and a quarter (1.25) mill and Mechanical Devices Tax of \$75.00 and \$50.00.

Motion by Commis. Lokhaiser to pass Resolution 17-25, to enact the Act 511 Taxes. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the annual resolution for the Police Pension Plan employee contribution. The Minimum Municipal Obligation will be satisfied with state aid and as such no employee contribution is required.

Motion by Commis. Zarnick to pass Resolution 17-26, establishing the Police Pension Plan employee contribution, as presented. Seconded by Commis. Zurzolo. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the annual resolution for the Municipal Employee Pension Plan employee contribution. Based on the Minimum Municipal Obligation, employee contributions at a rate of three (3) percent of earnings is required.

Motion by Commis. Zarnick to pass Resolution 17-27, establishing the Municipal Employee Pension Plan employee contribution, as presented. Seconded by Commis. Zurzolo. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Commis. Zurzolo presented the request by Chief Hays to grant permanent status to Patrolman Ryan Winkler.

Motion by Commis. Zurzolo to approve permanent status to Patrolman Ryan Winkler as of December 5, 2017. Seconded by Commis. Lokhaiser. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the letter from Fred Vero dated December 1, 2017, stating his resignation from the Planning Commission due to the fact that as of January 2, 2018 he will be sworn in as a Township Commissioner.

Motion by Commis. Lokhaiser to accept the resignation of Fred Vero from the Butler Township Planning Commission. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the letter from Greg Sloan dated November 20, 2017, stating his resignation from the Preston Park Advisory Board.

Motion by Commis. Lokhaiser to accept the resignation of Greg Sloan from the Preston Park Advisory Board. Seconded by Commis. Zarnick. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the recommendations from the three (3) Butler Township Volunteer Fire Departments for their representatives to the Fire Commission. He stated that unless there is an objection to any of the recommendations, these individuals can be appointed under one motion. There was no objections.

Motion by Commis. Lokhaiser to appoint the following people as representatives to the Fire Commission with the term to expire December 2019:

Butler Township VFD 3: Toby Wehr – Primary Representative
Joe Hanchosky – First Alternate
Brian Birckbichler – Second Alternate

Mercer Road VFD: Alan Paul – Primary Representative
Dennis Lynn, Jr. – First Alternate
Chuck Glagola – Second Alternate

South Butler VFD: Karl Kobil – Primary Representative
Paula Schmidt – First Alternate
Daniel Thompson – Second Alternate

Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the letter from Rick Schontz dated November 25, 2017, stating his interest in being appointed to the Planning Commission.

Motion by Commis. Lokhaiser to appoint Richard Schontz, Jr. of 141 Autumn Drive, Butler to the Butler Township Planning Commission to fill the unexpired term of Fred Vero to expire July 2019. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Motion by Commis. Lokhaiser to reject all bids for the Dek Hockey Management. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Manager Kirkwood presented the letter dated November 27, 2017 from the Butler County Board of Commissioners expressing their interest in entering into an agreement between the Butler County Park and Recreation Department and Butler Township for the management of the Dek Hockey Rink.

Motion by Commis. Zarnick to approve entering into an agreement with Butler County and Butler County Parks and Recreation Department to assume management of the Dek Hockey Rink. Seconded by Commis. Zurzolo. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

PUBLIC HEARING – 7:00 p.m. – Zoning Amendments

Solicitor Black noted that it is now 7:00 p.m. It is the time and place set forth for the Public Hearing for the purpose of hearing testimony and public comment regarding the proposed Zoning Ordinance Amendments. This amendment was duly advertised and presented to the Butler Township Planning Commission and received a recommendation for approval. A court reporter is present for the proceedings. Anyone who wished to speak or testify on this matter was sworn in.

Zoning Officer Hines presented the proposed changes to the Zoning Ordinance.

Rick Grossman, Butler Township Consultant, presented information on the zoning amendments pertaining to wireless telecommunication facilities and cluster developments.

Questions were taken from the Board.

Dave Heltzell, 100 Marion Drive, commented in favor of the proposed amendments. He questioned whether the new ordinance will take into consideration cluster developments that are individual residences but are rental units. Mr. Grossman stated that rental developments would not be permitted in an R-1 district within the cluster developments. Individual unit rentals would be governed by the homeowners association for the development.

Sandy Gamble, 116 Winterwood Drive, asked if the cluster development is being built on Winterwood Drive. She believes it would decrease the value of her home if it is built there. Solicitor Black commented that the Zoning Ordinance Amendment is allowing a specific type of land development in the Township and does not address any current development. Any proposed land development would need to go through the approval process. Zoning Officer Hines stated that this cluster type of land development would fit on that parcel of land. He noted that each residence would need to be a fee simple ownership.

Marie Cronin, 118 Winterwood Drive, wanted to know what is going to happen to Winterwood Drive with the new development; will it be the construction or access road to the new development; what is it going to do to the classification of the neighborhood; and how many homes are going in on the property. She is concerned with the traffic. Zoning Officer Hines stated that at this time no plans have been submitted for the development of that parcel. If a land development is submitted the residents would have an opportunity to review the plan and voice their opinion concerning the specifics of that development.

Mark Krenitsky, 139 Winterwood Drive, stated that he is in favor of the cluster developments but not in favor of condominiums in R-1.

Judy McClelland, 106 Winterwood Drive, commented on Transitional Neighborhood Developments and is not in favor of this type of development on Winterwood Drive.

Solicitor Black stated that the issue before the Board is the Zoning Ordinance Amendment and is not about a specific land development.

Norbert Cronin, 118 Winterwood Drive, asked if a developer would be responsible for repairing a roadway if damaged during construction. Manager Kirkwood stated that the road would need to be bonded only if it is a weight restricted road. A discussion was held on the number of homes that would be permitted on the Winterwood parcel.

Bob Brennan, 324 North Duffy Road, is a developer and discussed the benefits of cluster developments. He commented in favor of the amendment allowing cluster developments.

CLOSE HEARING – 8:25 p.m.

Motion by Commis. Zurzolo to pass an ordinance granting final approval of the Zoning Ordinance Amendments as presented. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the Act 42 resolution prohibiting Category 4 Licensed Gambling Facilities. If the Township does not want to be considered as a site for one of these facilities the Board will need to pass a resolution prohibiting such.

Motion by Commis. Lokhaiser to pass Resolution 17-28, prohibiting the location of a Category 4 licensed gambling facility in Butler Township. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the proposed Insurance renewals and recommended approval.

Motion by Commis. Lokhaiser to renew the insurance policies for 2018 as presented. Seconded by Commis. Wiest. The vote was: Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Commis. Zurzolo commended Zoning Officer Hines, Mr. Grossman and Solicitor Black for their work on the Zoning Ordinance Amendments.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$218,428.90; Stormwater Capital Fund - \$99.83; Highway Aid Fund - \$68,595.67; Park Development Fund - \$420.00; General Fund (added after November Bills Report) - \$6,245.85; Highway Aid Fund (added after November Bills Report) - \$1,524.39; Payroll Fund (prior month) - \$370,748.71 (3 pay periods).

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

There was no correspondence.

Manager Kirkwood stated that the Reorganization meeting that was originally advertised for Wednesday, January 3rd has been rescheduled for Tuesday, January 2nd at 6:30 p.m. The Planning Commission will meet at 6:00 p.m. on this day.

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

Dave Heltzell, 100 Marion Drive, asked if the County would be following the guidelines of the Park Master Plan in developing the Dek Hockey Program. Manager Kirkwood stated that the County would only be managing the Dek Hockey Program. The Township will still own the facility and thus will be involved in any future development of the site. Mr. Heltzell also commended the work of the Road Department during the recent snow event.

Questions were taken from the media.

Motion was made by Commis. Wiest to adjourn the meeting at 8:41 p.m. Seconded by Commis. Lokhaiser and carried unanimously.

Theresa Giesler