

**MINUTES OF THE
REGULAR MEETING HELD
May 21, 2018**

The regular meeting of the Butler Township Board of Commissioners was held on May 21, 2018 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, Commis. Joseph A. Wiest, Commis. James Lokhaiser, Jr. and Commis. Fred M. Vero. Vice-Pres. Sam Zurzolo was absent.

Also present were Manager Edward Kirkwood, Asst. Manager Cheryl McNeill, Solicitor Rebecca Black, Zoning Officer Jesse Hines, Township Engineer Dan Deiseroth, Public Works Superintendent Tom Knights, Fire Marshal Chris Switala and Chief of Police John Hays.

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 Saelor, Butler Radio Network recorded the meeting.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the April 16, 2018 meeting. There being none, the minutes will stand as presented.

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

Commis. Wiest had nothing to report.

Commis. Vero congratulated Commis. Zarnick on being elected President of the Allegheny County & Western Pennsylvania Association of Township Commissioners (AC & WPATC).

Commis. Lokhaiser congratulated Commis. Vero on being elected to the Board of Directors of the AC & WPATC.

Commis. Lokhaiser thanked Butler Township Volunteer Fire District 3 for sending equipment and personnel to the Kid's Day America Event on May 12th.

Commis. Lokhaiser reported that the Monday Morning Maintenance Crew has been hard at work at Preston Park. They have been averaging fifteen to twenty volunteers per week. He thanked Russ Yockey and Portersville Christian School for their work at Preston Park. Sixteen students volunteered on Monday, May 14th to do clean-up work at Preston Park.

Commis. Lokhaiser reported that the next walking tour of Preston Park will be held on Wednesday, June 20th at 6:00 p.m. A Wildflower Walk is also scheduled for Saturday, July 21st at 10:00 a.m. Contact the administration office to register for these tours.

Commis. Lokhaiser reported that the A M Rotary planted forty-seven saplings at Preston Park. The trees will be transplanted throughout the park as they become established.

Commis. Lokhaiser reported that Butler Township has received a \$5,000.00 grant from the Butler County Tourism Bureau. The grant will be used to create and print a professional brochure and map of Preston Park identifying Preston Park as a tourist destination. He thanked Asst. Manager McNeill for her efforts in receiving this grant.

Chief Hays reported on the use of the new sign/speed trailer that was a joint purchase with the Road Department. The reports that the trailer has generated has been very useful to the department.

Chief Hays reported that the department is currently in the Buckle up Program through the grant with PennDOT to increase seat belt safety.

Chief Hays reported that the department continues to get quite a few requests for officers to provide different programs and to show up for events. He wanted the Board to be aware that there is a high demand for these services all year long. The department is doing its best to accommodate all of the requests, and will continue to do so as long as they have the available manpower.

Public Works Superintendent Knights reported that core boring was performed on Evans Road to help determine the path that will be taken to repair the issues with the road.

Fire Marshal Switala reported that since his transition into the Fire Marshal position the fire inspections have continued on schedule. He is working with Knox Box to get the authorization transferred over and working through the issues with Emergency Reporting with the volunteer fire departments.

Asst. Manager McNeill reported that on May 18th the Township received a \$100.00 anonymous donation to Preston Park and thanked the donor for their generosity.

Zoning Officer Hines reported that he received a letter from the Department of Conservation and Natural Resources that the Township will be awarded the \$10,000.00 grant to do the Peer to Peer Study with the Butler Baseball Association. He forwarded the letter to Pashek and Associates who will prepare the proposal and scope of work, which will be presented to the Board to be considered at the next meeting.

Township Engineer Deiseroth gave a follow-up report on the geotechnical boring on Evans Road. He will have a report to the Board with some alternatives at the next meeting.

Solicitor Black had nothing to report.

Commis. Zarnick reported that starting next month the meetings will be business casual.

Manager Kirkwood reported that in conjunction with Butler City we applied through the Southwest Pennsylvania Commission for a grant to do traffic signal sync-ups. That project commenced this morning in the Township at Picklegate Crossing and Hansen Avenue. They will work their way throughout Route 356 and Route 68.

Manager Kirkwood reported that he just renegotiated another electric procurement contract. To date we have cumulatively reduced our electricity costs in excess of \$150,000.00. With this contract we will be paying five cents per kilowatt hour, which is the lowest we have ever paid.

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

Zoning Officer Hines presented information on the Leicher Planning Module, requesting to extend a sewer line on Grove Avenue to include two parcels that were not previously included in the 537 Plan. The 537 Plan determines what properties are allocated to be served by our sewer authority. This Planning Module is different because it is requesting to add additional acreage to the system and not just additional users. The request was sent to the Butler Area Sewer Authority and they approved the request. He recommended approval of the resolution to approve this planning module.

Motion by Commis. Vero to pass Resolution No. 18-14, granting approval of the Leicher Planning Module. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request by Les & Danny Real Estate Company for the release of their improvement bond for the Les & Danny Community Dollar Store at the corner of Freeport & Saxonburg Road. He recommended approval contingent upon the submittal of an 18-Month Maintenance Bond in the amount of \$13,141.95.

Motion by Commis. Vero to release the Les and Danny Real Estate Company Bond in the amount of \$96,374.30 contingent upon the submittal of an 18-Month Maintenance Bond in the amount of \$13,141.95. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the request by Peoples Natural Gas Company for an easement to install a regulator station at Preston Park on South Eberhart Road. The request was tabled at the April 16th meeting for review. Documents were presented to the Board, including a drawing showing the proposed location of the easement area provided by Gateway Engineers, Peoples Natural Gas Regulator Station Easement and the actual easement. Solicitor Lutz has notified the Township that he has reviewed all of the documents and has found everything in order but the ultimate decision is up to the Commissioners. A discussion followed.

Ron Dillon, 375 North Shore Drive, Pittsburgh, Senior Land Agent for Peoples Natural Gas Co. was present and answered questions from the Board.

Motion by Commis. Lokhaiser to table the decision on the Peoples Natural Gas Company Easement for further discussion. Seconded by Commis. Vero. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request to have Fire Marshal Switala attend the Pennsylvania Association of Arson Investigators training to be held June 11 – 13, 2018 at the Ramada Inn in State College, PA. The cost is \$325.00 for the training plus \$70.00 per night for the hotel for a total cost of \$535.00. The Fire Marshal vehicle will be used. Breakfast

and lunch are included in the cost of the training. Dinners and toll charges will need to be reimbursed.

Commis. Zarnick asked for public comment on this non-agenda item. There was none.

Motion by Commis. Lokhaiser authorizing Fire Marshal Switala to attend the Pennsylvania Association of Arson Investigators training from June 11 – 13, 2018 at a cost of \$535.00, plus tolls and dinners. Seconded by Commis. Vero. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request for a dedicated handicapped parking space in front of a residence at 621 Bessemer Avenue, Lyndora. He stated that this couple had previously approached the Township for the request. At that time they were requesting two handicapped parking spots on the six hundred block of Bessemer Avenue, but they did not have the required handicapped plate on their vehicles. They were informed to get the handicapped plates and bring the plates and vehicle registration to the Police Department for verification. The information that he received from them showed the vehicles registered to an address on Hansen Avenue. He informed them that he could not approve a handicapped parking spot for a vehicle that was not registered to that address. They were instructed to have the registration updated and bring the updated registration to the department for verification. He has not received that information as of today. Due to the limited parking on Bessemer Avenue he cannot see approving two handicapped spots but if they provide proof of the vehicles being registered to the Bessemer Avenue address he would recommend approval of one handicapped spot.

Motion by Commis. Zarnick to approve one handicapped parking space at 621 Bessemer Avenue contingent upon having the vehicle registered to that address and presenting the documentation to Chief Hays. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request for Detective Max Wittlinger attend the Child First Pennsylvania training to be held from May 21-25, 2018 at Indiana University of Pennsylvania. The fee for the training is \$699.00 and is being covered by the Butler County District Attorney's Office. The department will be responsible for lodging and meals. A department vehicle will be required. He apologized that the request for approval is late, but he received the information on the training after the previous Commissioner meeting.

Motion by Commis. Vero to authorize Detective Max Wittlinger attend the Child First Pennsylvania training to be held from May 21-25, 2018 at Indiana University of Pennsylvania, as presented. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request to have an officer assist with the Butler County Youth Field Day on June 2, 2018 from 8:00 a.m. to 3:00 p.m. at the Butler Hunting & Fishing Club in East Butler, PA. A department vehicle will be required. If approved, he plans on sending Ptlm. Tyler Collins.

Motion by Commis. Vero to authorize an officer assist with the Butler County Youth Field Day on June 2, 2018 from 8:00 a.m. to 3:00 p.m. at the Butler Hunting & Fishing Club

in East Butler, PA. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

PUBLIC HEARING – 7:00 p.m. – Flood Plain Ordinance

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 amendments to the Flood Plain Ordinance. This ordinance was duly advertised on May 7th and May 14th in the Butler Eagle. A court reporter is present for the proceedings. Anyone who wished to speak or testify on this matter was sworn in.

Zoning Officer presented general information on the Flood Plain Ordinance Amendments.

Township Engineer Deiseroth presented additional information on the Flood Plain Ordinance Amendments. He reviewed the changes that FEMA made to the Flood Plain Map. He explained that the purpose of a Flood Plain Ordinance is to allow development in the flood plain subject to certain requirements.

Solicitor Black asked Zoning Officer Hines if it is his understanding that this is an ordinance that amends a previous ordinance. We did have a flood plain ordinance in effect and this is adopting a new map. Zoning Officer Hines stated that we did have a flood plain ordinance and this new ordinance recognizes the new map.

Solicitor Black asked Zoning Officer Hines if it is his understanding that the draft version of this ordinance was submitted to the DCED and it was approved by the DCED in the format that it was in. Zoning Officer Hines stated that the draft was submitted and approved by the DCED.

Zoning Officer Hines stated that we are not approving the Flood Plain Map. The map was created and set by FEMA. We are approving the Flood Plain Ordinance that coincides with the map which is how we regulate development within the flood plain.

A discussion was held on notifying the residents affected by the changes to the Flood Plain Map.

Solicitor Black asked for any comments from the public. There was none.

CLOSE HEARING – 7:15 p.m.

Motion by Commis. Vero to pass Ordinance No. 900, granting final approval of the Floodplain Ordinance Amendments. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the Volunteer Service Credit Program Ordinance for introduction. Pursuant to Act 172 of 2016, the statute provides the option to give credit to members of a volunteer fire department responding to emergency calls through earned income tax or property tax. The maximum credit allowed would be \$250.00. Berkheimer Tax Administrator, who is the County Tax Collector for earned Income tax, has been contacted and they already have a process in place to deal with the credit. If the Commissioners adopt this ordinance, Berkheimer would be the entity that would be issuing

the checks to the individuals who meet the requirements of the statute and the resolution that the Township is required to adopt after the ordinance is adopted. Prior to creating and adopting the resolution he recommended meeting with the fire chiefs of the three township fire departments to discuss the criteria required to receive the credit. He stated that a public hearing needs to be set for the purpose of hearing testimony and public comment on the proposed ordinance. He recommended Monday, June 18, 2018 at 7:00 p.m.

Motion by Commis. Zarnick to introduce the Volunteer Service Credit Program Ordinance. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

A discussion was held on the timing requirements of the adoption process according to the statute. It was decided to have the ordinance adoption on the agenda of the meeting following the meeting with the public hearing.

Motion by Commis. Zarnick to set the date and time for the Public Hearing for the Volunteer Service Credit Program Ordinance at 7:00 p.m. on Monday, June 18, 2018. Seconded by Commis. Vero. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented information on the proposed Commonwealth Financing Authority Resolution. The resolution is a requirement to submit a Greenways Trails Recreational Grant Application. With the assistance of the Butler County Parks and Recreation Department, the Township is applying for a \$212,500.00 grant through the Authority for funding for the Preston Park restrooms.

Motion by Commis. Vero to pass Resolution No. 18-15, Commonwealth Financing Authority Resolution. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request to have Patrolman Ryan Winkler, Patrolman Jason Gueck and Patrolman Rachel Dovidio attend the Standard Field Sobriety Training Basic Practitioner Class being held July 10 – 12, 2018. The training is being provided by the PA DUI Association and is being held at the Butler Township Park Building. There is no cost for this training. There will not be a need for a department vehicle or meals. There may be overtime for officers not regularly scheduled to work during the training.

Motion by Commis. Vero to authorize the attendance of Ptlm. Ryan Winkler, Ptlm. Jason Gueck and Ptlm. Rachel Dovidio at the Standard Field Sobriety Training Basic Practitioner Class being held July 10 – 12, 2018, as presented. Seconded by Commis. Zarnick. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Chief Hays presented the request to have Ptlm. Drew Blasko, Ptlm. Jason Gueck, Ptlm. Ryan Winkler, Ptlm. Rachel Dovidio, Ptlm. Jeffery Lewis and Ptlm. Tyler Collins attend the Vascar Plus training being held on May 29, 2018 from 9:00 a.m. to 12:00 p.m. at the Butler Township Park Building. The training is being provided by the YIS/Cowden Group. The cost is \$185 per officer. With the department hosting the training, one officer will be able to attend for free. There is no need for a department vehicle or meals.

Motion by Commis. Lokhaiser to authorize the attendance of Ptlm. Drew Blasko, Ptlm. Jason Gueck, Ptlm. Ryan Winkler, Ptlm. Rachel Dovidio, Ptlm. Jeffery Lewis and Ptlm. Tyler Collins at the Vascar Plus training being held on May 29, 2018 from 9:00 a.m. to 12:00 p.m. at the Butler Township Park Building. Seconded by Commis. Zarnick. Commis. Wiest asked if this a one-time certification or if it needs to be renewed. Chief Hays stated that it is a one-time certification. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood requested authorization to advertise for the Sale of an excess vehicle. The excess vehicle is the 2002 Ford Explorer that was used by the Zoning Department.

Motion by Commis. Zarnick to authorize the advertising for the sale of the excess vehicle. Seconded by Commis. Vero. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood informed the Board that David DiYanni has resigned from the Police Pension Board. Pursuant to the First Class Township Code, the Board is required to make an appointment to fill this position. Matthew Pearson has express his interest in filling this vacancy.

Motion by Commis. Zarnick to appoint Matthew Pearson to the Police Pension Board. Seconded by Commis. Vero. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the Intergovernmental Cooperation Agreement between Butler Township and Butler City Ordinance for introduction. This intergovernmental Cooperation Agreement would be for the purpose of sharing public works personnel and equipment to increase efficiencies and promote savings for both communities.

Motion by Commis. Wiest introduce the Intergovernmental Cooperation Agreement between Butler Township and Butler City Ordinance. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood opened the bids for the 2018 Road Maintenance Program. Five bids were received.

Bidder	Bid Bond	8,929 Tons (more or less) Super Pave Wearing Course 9.5 MM SRL G	82,610 Square Yards Rotomilling	Total Bid Price
Glenn O. Hawbaker	Yes	1,004,512.50	250,830.00	1,255,342.50
Mele & Mele & Sons, Inc.	Yes	761,197.25	126,393.30	887,590.55
Youngblood Paving, Inc.	Yes	711,641.30	206,525.00	918,166.30
Wiest Asphalt Products & Paving, Inc.	Yes	641,102.50	128,045.50	769,147.70
Protech Asphalt Maintenance, Inc.	Yes	747,625.17	133,002.10	880,627.27

Motion by Commis. Zarnick to table the bids for the 2018 Road Maintenance Program for review. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood opened the bids for the Aubrey Drive Storm Sewer Rehabilitation Project. Six bids were received.

Contractor	Bid Bond	Base Bid Amount
1PR	Yes	92,700.00
Abel Recon	Yes	113,017.00
Insight Pipe Contracting	Yes	81,800.00
Insitiform Technologies	Yes	101,000.00
Layne Inliner	Yes	99,400.00
Standard Pipe Services	Yes	135,500.00

Motion by Commis. Zarnick to table the bids for the Aubrey Drive Storm Sewer Rehabilitation Project for review. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood reviewed the bills report and the following totals were noted: General Fund - \$164,283.35; Highway Aid Fund - \$12,518.60; Park Development Fund - \$100.00; General Fund (added after April Bills Report) - \$26,470.71; Highway Aid Fund (added after April Bills Report) - \$600.00; Payroll Fund (prior month) - \$269,614.36

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

Manager Kirkwood read the letter dated May 21, 2018 from himself to the Board of Commissioners stating his formal notice of retirement as Manager of Butler Township with July 20, 2018 as his last day in the office. His last day as a township employee will be September 14, 2018. A discussion followed. The Board directed Manager Kirkwood to provide them with a job description for his position and the Manager's Ordinance in the morning and they will have a decision to him by Friday, May 25th on any changes that they would like to the job description and when to commence advertising for the position.

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

Sue Rottman, 208 Summer Street, expressed her concerns about water run off on to her property and asked for a solution. A discussion followed.

Questions were taken from the media.

Motion was made by Commis. Vero to adjourn the meeting at 8:42 p.m. and carried unanimously.

Theresa Guesley