

Butler Township Board of Supervisors
August 12, 2024
Meeting Minutes

Chairman Wilkinson called the meeting to order at 7:00 p.m.

Pledge

Present: Ed Wilkinson (Chair), Dominic Englebert (Vice Chair), Victor Woerner (Supervisor), Danielle Helwig (Secretary), Todd King (Solicitor) & Corey Hoch (Road Master) & Jon Holmes (Engineer)

No public comment on Agenda Items

The regular meeting was recessed to hold the following Public Hearings

- A. Zoning Ordinance Amendment (Convenience Stores). The amendment will allow Convenience Stores in the Village Core District of the Arendtsville/Butler Joint Zoning Ordinance. The Township Planning Commission moved to recommend adoption. No public comment. No further discussion.
- B. Zoning Ordinance Amendment (Solar). The proposed amendment to the Arendtsville Borough and Butler Township Zoning Ordinance is intended to disallow Solar Farm uses in the Agricultural Preservation (AP) District by special exception but allow them in the Land Conservation (LC) District through special exception. Additionally, several other sections of the zoning ordinance are proposed to be amended with standards related to various solar energy systems. The Township Planning Commission moved to recommend adoption. The County provided comments on the proposed solar ordinance, raising concerns that it could be exclusionary due to a lack of available parcels. This may contradict previous maps they provided, which showed available parcels. Public comment was taken to clarify County comments. Extensive discussion regarding what could happen if the amendment was adopted. The public pushed for adoption.
- C. Amendments to the Subdivision and Land Development Ordinance (SALDO): The submitted ordinance text is intended to replace Butler Township's existing Subdivision and Land Development Ordinance. Generally, the new text proposes changes to the existing ordinance such as updated definitions, updated references to modern regulations governing street design and other concepts, removal of standards that are now covered by the township's zoning ordinance, and other similar changes. There are several changes to this ordinance removing standards that are now covered by the Arendtsville Borough -Butler Township Zoning Ordinance, including required site distances and off-street parking standards. The Planning Commission recommended tabling a motion because the County suggests moving dimensional requirements from the SALDO to Zoning per County comments and should be discussed between the Engineer and Solicitor.

Chairman Wilkinson closed the public hearings at 7:40 p.m. and reconvened the regular meetings.

Convenience Store: ***A motion was made by Englebert to adopt the Zoning amendment to allow convenience stores in the Village Core Zoning District. Motion carried 3-0***

Solar: ***A motion was made by Wilkinson to table the adoption of the amendment to the Solar Section of the Zoning Ordinance until the County's comments can be clarified. Woerner seconded the motion.***

Englebert voted no. Motion carried 2-1. Discussion: A special meeting will be held to adopt the amendment if there are no significant changes, early next week.

SALDO: A motion was made by Wilkinson to table the adoption of the revised SALDO until the County comments are addressed. Motion carried 3-0

1. Regular Business:

Due to an error, the July Minutes are not ready for approval and are removed from the consent agenda.

Woerner motioned to approve the consent agenda consisting of the July Payroll, Bills through August 12, and the Financial Report as presented. Motion carried 3-0

2. Appearances: None

3. New Business:

A. Johnson (W. Guernsey) Planning Module: Terry Sheldon presented the planning module for the Johnson project. The Township Planning Commission recommended approval and that the secretary complete the section 4A.

A motion was made by Englebert to approve the completion and signing of the planning module. Motion carried 3-0.

A motion was made by Woerner to adopt a resolution to amend the official sewage plan. Motion carried.

B. Fisher (Old Carlisle Rd) Land Development Plan. Brandon provided an update on Mr. Fisher's land development plan, stating that he is facing difficulties securing the required financial security for stormwater management and explained that the initial financial security amount was reduced to \$52,000, but Mr. Fisher and his banker have not been able to secure this amount. Discussion took place regarding Mr. Fisher's lack of communication and concrete proposals for addressing the financial security requirement. It was emphasized the need for Mr. Fisher to submit a formal request with a specific amount he can provide and suggested that Mr. Fisher and his banker come to an agreement before any further action can be taken.

Brandon confirmed that he will inform Mr. Fisher that the reduced scope of the project results in a \$52,000 financial security requirement and that he needs to submit a formal request for a reduced amount. **A motion was made by Wilkinson to send Mr. Fisher a letter setting a 60-day notice of violation of SALDO and Zoning requirements. Motion carried 3-0**

The Stormwater Agreement can be recorded.

C. Township Building:

- RFP: Documents received from ACNB and F&M Banks. **A motion was made by Wilkinson to approve the proposal by ACNB for the financing of the Proposed Township facility. Motion carried 3-0.** The deadline to accept is September 20. Locked rates are 4.95-5.32 for 5, 7 or 10 years.
- USDA Loan: **A motion was made by Englebert to no longer pursue the financing through the USDA. Motion carried 3-0**
- LDP: Holmes will review the plan, hoping it is ready to record. Holmes will also contact CS Davidson to finalize the bidding documents.

D. Public Sewer Issues:

- Freda Heaton's Property: Helwig reported the passing of Freda Heaton and her outstanding sewer bill. Discussion took place regarding the process of placing a lien on

the property to recoup the owed funds. **Woerner made a motion to file a lien against the property. Motion carried 3-0**

- Delinquent Sewer Accounts: Helwig provided an update on delinquent sewer accounts, noting that payment agreements were received from two accounts, but three remain outstanding. **A motion was made by Wilkinson to have the Solicitor file liens against the three outstanding accounts. Motion carried 3-0**
 - 245 Carlisle Road Connection: Holmes reported to the board that more information is needed from the developer regarding the sewer connection at 245 Carlisle Road. No action was taken, pending further information.
 - Hillcrest Drive Proposal: Holmes provided an update on the Hillcrest Drive sewer proposal, stating that the borough needs to confirm capacity before proceeding. No action was taken, pending confirmation from the borough. A Capacity Study will need to be completed. Holmes will follow up with the developer
 - Discussion regarding the Scott property on Biglerville Rd. Scott currently pays a fee for a second connection. Two lots were combined and the need for two connections may not be needed. Helwig will reach out to D. Scott
- E. Update: Baseball Field Sale The sale was successful. The ballfield sold for \$35,000. Solicitor King provided an update on the legal process for transferring the funds, stating that a hearing is scheduled for September 13th and the sale should be finalized the following week. He recommended that the board determine where to allocate the funds, which are restricted for recreational use.
- F. Transfer of Funds: **Woerner made a motion to approve the transfer of \$293,847.20 from the ARPA account to the capital reserve account. Motion carried.**
- G. Agricultural Security for 1260 Table Rock Rd. Helwig reported the agricultural security area is primarily located in Cumberland Township. King explained that the township is likely required to record the agreement. Helwig will calculate the 180-day deadline for recording.
- H. Fire Department Report: It was mentioned that Biglerville Borough requires Budgets. Supervisors tabled the discussion on fire department reports until the next meeting.
4. Reports
- Road Master Report: Hoch provided an update on road crew activities, including pipe draining, line painting, Truck repair and upcoming projects.
 - Engineer Report:
 - a. ACNB has requested a release for the maintenance bond. **A motion was made by Englebert to release the maintenance bond. Motion carried 3-0.**
 - b. Hollabaugh Sign Amendment request: A proposal was presented by Erik Vranich on behalf of Hollabaugh's. The Planning Commission recommended Option B. Holmes will review option B for review at the September meeting.
 - Solicitor: No Report
5. Correspondence:
- Land and Sea July Report
 - Zoning Officer Report
 - PennDOT notice of HOP 2724 Table Rock Rd
 - ACATO June Meeting Minutes
 - AREMS EMS June report
 - Heidlersburg Fire Department June Report
 - Columbia Gas Notice of Termination of NPDES approval letter (permit no. PAC010229)
 - Knouse Foods 07F08---75---000 (105.60 acres) Clean & Green Termination Letter

- Municipal Land Use Letter sent to CS Davidson for Biglerville LP PA Gas Main Installation
6. Public Comment: Chris McBeth, Biglerville Fire Chief provided an update on the relief session and confirmed the resolution of the reconciliation issue. Discussion took place regarding the content of fire department reports, with a focus on financial information. He agreed to provide a budget and audit information. Mr. McBeth also mentioned the upcoming Fall Fest and the ongoing issue with obtaining permission for parking.
 7. Announcements: None
 8. With no further business the meeting was adjourned at 8:50 p.m.

Respectfully submitted

Danielle Helwig
Secretary