

MINUTES
City Council Meeting
City of Butler, Pennsylvania
October 27, 2022

Mayor Dandoy called the meeting to order at 7:00 PM. Mayor Dandoy and Council members Reese, Shearer, Christy and Herr were present. The pledge of allegiance to the flag followed an invocation given by Deacon Jim Shope, All Saints Parish .

The following actions took place at the Forum Meeting held on October 13, 2022:

Mayor Dandoy called the forum meeting to order at 6:30 PM. Mayor Dandoy and Council members Reese, Shearer, Christy and Herr were present.

1. Motion to approve **City Resolution No. 2022-10-13**; a resolution of the City of Butler, authorizing the submission of an application to the Pennsylvania Department of Community and Economic Development for funding through the CDBG Program, as authorized under the Housing and Community Development Act [42 USC 5301 and 24 CFR Part 570], and further certifying compliance with the requirements of said program. Motion by Mayor Dandoy. Second by CM Reese. All voted aye.

2. Motion to approve the retirement of **Sergeant Cheryl L. Litz** from the Butler Bureau of Police following 22 years of service, effective October 6, 2022. Motion by Mayor Dandoy. Second by CM Herr. All voted aye.

3. Motion to ratify a revision to the **City's Civil Service Rules and Regulations** governing the hiring of entry-level police officers and firefighters, as well as promotions within the respective department. (The Civil Service Commission, represented by Tom Graham, adopted the 2022 Civil Service Rules and Regulations on October 4, 2022 and copies were distributed to mayor and council on October 5, 2022). Motion by Mayor Dandoy. Second by CM Shearer. All voted aye.

4. Motion to approve **City Resolution No. 2022-10-13A**; a resolution of the City of Butler in support of the sale of the Butler Area Sewer Authority Wastewater System to the Pennsylvania American Water Company; authorizing communication of information and cooperation with Pennsylvania American Water Company; instructing special counsel to intervene in Pennsylvania Public Utility Commission proceedings regarding proposed sale in support of sale; ratifying all actions taken hereto with respect to the negotiation and preparation of the asset purchase agreement; and rescinding inconsistent resolutions. Motion by Mayor Dandoy. Second by CM Reese. All voted aye.

5. Motion to approve the promotion of **Patrol Officer Myles Bizub** to the rank of Sergeant in the Butler Bureau of Police effective October 23, 2022. Motion by Mayor Dandoy. Second by CM Herr. All voted aye.

6. Motion to approve closing Main Street from West Pearl Street to Wayne Street, for the Veterans Day Parade, sponsored by Butler County Veterans Committee, to be held on Thursday, November 11, 2022 from 10:15 AM until 12:15 PM. Motion by Mayor Dandoy. Second by CM Christy. All voted aye.

Mayor Dandoy made a motion to amend the agenda to add the following two motions:

*Motion to approve the **Trunk or Treat** event to be held in Father Marinaro Park by St. Luke Lutheran Church and CCR on October 22, 2022 from 11:00 am until 2:30 pm.*

*Motion to approve the **Bundle Up Butler** event to be held in Memorial Park by CCR on October 21, 2022 from 8:00 am until 4:00 pm.*

Second by CM Herr. All voted aye. Agenda amended.

7.Motion to approve the **Trunk or Treat** event to be held in Father Marinaro Park by St. Luke Lutheran Church and CCR on October 22, 2022 from 11:00 am until 2:30 pm.
Motion by CM Herr. All voted aye.

8.Motion to approve the **Bundle Up Butler** event to be held in Memorial Park by CCR on October 21, 2022 from 8:00 am until 4:00 pm. Motion by CM Herr. All voted aye.

CITY COUNCIL, ACTING AS THE BOARD OF HEALTH, and under the provisions of the Pennsylvania Consolidated Statutes Title 11 Cities; Chapter 123 Public Health; Subchapter B – Public Nuisances Detrimental to Public Health; §12321 Abatement of public nuisances by designated department; finds the following subject structure detrimental to public health and orders its removal by demolition:

145-151 North Main Street

Motion by Mayor Dandoy. Second by CM Reese. All voted aye.

Mayor Dandoy and Chief O'Neill congratulated and thanked Cheryl Litz for her 22 years of dedicated service to the Butler Bureau of Police and the City of Butler.

Mayor Dandoy and Chief O'Neill congratulated Myles Bizub on his well deserved promotion to Sergeant in the Butler Bureau of Police.

Motion by CM Herr with a second from CM Herr to approve the agenda for the regular meeting of October 27, 2022.

Councilman Shearer requested to amend the motion to direct the City Clerk to release a request for proposals for a **Tax Revenue Anticipation Note** in the amount of one-million dollars for Fiscal Year 2023 to motion to direct the City Clerk to release a request for proposals for a **Tax Revenue Anticipation Note** in the amount of one million – five hundred thousand dollars for Fiscal Year 2022 and 2023. Second by CM Christy. All voted aye.

All voted aye. Agenda amended.

Motion by Mayor Dandoy with a second from CM Shearer to approve the minutes of the regular meeting of September 22, 2022. All voted aye.

Motion by Mayor Dandoy with a second from CM Reese to acknowledge receipt of the monthly minutes from RACB, including the CDBG/HOME Program activities. All voted aye.

MONTHLY & ANNUAL DEPARTMENT REPORTS

(Note: Department Reports Distributed to Council electronically)

Motion to accept the monthly reports from the Office of the City Clerk, the Police Department, Fire Department, Office of Business & Community Development/Code Enforcement, Department of Public Works and Parking Department for the month of September. Motion by Mayor Dandoy. Second by CM Christy. All voted aye.

COUNCIL REPORTS/ACTIONS

Councilman Reese

1.Motion to approve the quote from **Shults Ford-Lincoln** in the amount of \$109,410.00 for a **2023 Ford F750SD** for use in the Streets Department to be paid from the Liquid Fuels Tax Revenue Fund. (Costar Contract #025-E22-467). Second by CM Shearer. All voted aye.

Councilman Shearer

2.Motion to approve a payment in the amount of \$223,362.40 to the County of Butler for debt service for the **Butler County Infrastructure Loan Payment**. (Note: This payment includes principal payment of \$219,000.00 plus interest payment of \$4,362.40; due November 1st.) Second by CM Reese. All voted aye.

3.Motion to approve distribution of **2022 State Aid** for pension plans as follows: to the Firefighters' Pension Plan - \$199,661.52, to the Police Pension Plan - \$332,739.01, and to the Officers & Employees' Pension Plan - \$1,186.01 with the total amount of **2022 State Aid distributed to pension plans being \$533,586.54**. Second by CM Herr. All voted aye.

4.Motion to pay the first installment of the **2022 small borrowing** loan to NexTier Bank. (\$207,840.82; \$204,800.00 principal and \$3,040.82 interest). Second by CM Reese. All voted aye.

5.Motion to direct the City Clerk to release a request for proposals for a **Tax Revenue Anticipation Note** in the amount of one million - five hundred thousand dollars for Fiscal Year 2022 and 2023. Second by CM Christy. All voted aye.

Councilman Herr

6.Motion to renew a five (5) year contract with **Otis Elevator Company** for the maintenance of the elevator in the Tier Parking Garage at a cost of \$349.23 per month, payable annually in advance (\$4,190.76). Second by CM Shearer. All voted aye.

7.Motion to accept the bid from Pillow Street A/S for the **2008 Chevrolet Silverado 1500** in the amount of \$775.00 that is surplus of the needs of the parks department. Second by CM Shearer. All voted aye.

Mayor Dandoy

8.Motion to approve the hiring of **Barbara Foster** for the Assistant Code Enforcement Clerk in the Office of the Business & Community Development, based on a recommendation from the City Zoning & Code Management Officer with an effective date of October 23, 2022. Second by CM Shearer. All voted aye.

9.Motion to appoint Larry Christy as the City's representative for the **Butler County Council of Governments (COG)**. Second by CM Reese. All voted aye.

10.Motion to approve **City Council's 2023 meeting schedule**, a copy of which will be published in a local newspaper to comply with the Sunshine Act and attached to the minutes of this meeting. Second by CM Christy. All voted aye.

11.Motion to enter into a lease agreement with the **County of Butler** for the use of thirty (30) parking spaces on the top level of the **Tier Parking Garage**. Second by CM Reese. All voted aye.

12.Motion to approve closing of E. Diamond Street from Main Street to McKean Street on Friday, February 10, 2023, and the closing of Main Street from Wayne Street to Cunningham Street, and Diamond St. from Washington Street to McKean Street on Saturday, February 11, 2023, for the **Carved in Ice** event, sponsored by Butler AM Rotary Club. Second by CM Reese. All voted aye.

13.Motion to approve closing Main Street from Penn Street to Wayne Street and intersecting streets from McKean Street to Washington Street and Penn Street from McKean Street to Bluff Street, beginning at 4:30 PM for approximately 2-1/2 hours, for the **Spirit of Christmas Parade** sponsored by Butler Radio Network, to be held on Saturday, November 26, 2022. Second by CM Shearer. All voted aye.

14.Motion to Terminate the Lease Agreement with **Covenant United Presbyterian Church** for the parking lot on East Jefferson Street effective December 31, 2022. Second by CM Shearer. All voted aye.

The Mayor, in absence of the City Treasurer, presented reports for the month of August and September.

The City Controller presented bills for payment as follows: from the general fund - \$1,695,129.15; from the parking fund - \$45,091.75; from the capital projects fund - \$10,277.59 and from the liquid fuels tax fund - \$14,096.25; for a **grand total of \$1,764,594.74**. Motion by Mayor Dandoy with second from CM Shearer to approve payment of bills as presented. All voted aye.

October Public Announcement - Municipal Separate Storm Sewer System (MS4)

As part of an ongoing education plan, we would like to remind local residents to properly clean paint brushes in a sink, not outdoors. Properly dispose of excess paints through a household hazardous waste collection program, or donate unused paints to local organizations. Also, sweep and properly dispose of construction debris such as concrete and mortar. Always protect your hands, eyes, and ears when working and touching construction materials containing chemicals. If you are unsure how to properly dispose of construction waste, please contact your local municipality. Never dump anything into the storm sewer system.

• ANNOUNCEMENTS

- First Responder Light Up Night – Saturday, October 29th
- Trick or Treat, Monday, October 31st from 6PM to 7PM
- Turkey Trot, November 5th from 8AM to 11:30AM

Mayor Dandoy adjourned the meeting at 7:39 PM.

SUBMITTED:

APPROVED


Melinda F. Gall, City Clerk


Robert A. Dandoy, Mayor



CITY OF BUTLER



ROBERT A. DANDY
MAYOR

DONALD L. SHEARER

Accounts & Finance

LARRY W. CHRISTY

Public Safety

FREDERICK W. REESE

Streets & Public Improvement

DANIEL G. HERR

Parks/Recreation & Public Property

BARBARA E. HALL

Controller

AARON F. BONUS

Treasurer

ROBERT S. O'NEILL

Chief of Police

CHRISTOPHER K. SWITALA

Chief of Fire

MELINDA F. GALL

City Clerk

THOMAS E. BRETH

City Solicitor

JOHN E. EVANS

Zoning & Code Management Officer

GARY A. BONELLI

Health Inspector

JOSEPH L. GRAY, P.E.

Municipal Engineer

LEGAL NOTICE

To: All residents and taxpayers of the City of Butler, Butler County, PA, and all other interested parties.

Notice is hereby given that the City Council of the City of Butler has approved its regular meeting schedule for **2023** as follows:

Forum Meeting	Time	Council Meeting	Time
12-Jan	7:00 PM	26-Jan	7:00 PM
9-Feb	7:00 PM	23-Feb	7:00 PM
9-Mar	7:00 PM	23-Mar	7:00 PM
13-Apr	7:00 PM	27-Apr	7:00 PM
11-May	7:00 PM	25-May	7:00 PM
15-Jun	7:00 PM	29-Jun	7:00 PM
13-Jul	7:00 PM	27-Jul	7:00 PM
10-Aug	7:00 PM	24-Aug	7:00 PM
7-Sep	7:00 PM	21-Sep	7:00 PM
3-Oct	7:00 PM	18-Oct	7:00 PM
2-Nov	7:00 PM	21-Nov	7:00 PM
7-Dec	7:00 PM	21-Dec	7:00 PM

All meetings will take place in the public meeting room on the third floor of the City Building at 140 West North Street unless otherwise advertised, and all meetings are open to the public.

Mindy F. Gall
October 28, 2022

Please publish once as soon as possible.

RESOLUTION

CITY OF BUTLER

RESOLUTION NO. 2022-10-13

A Resolution of the CITY OF BUTLER, Commonwealth of Pennsylvania, authorizing the submission of an application to the Pennsylvania Department of Community and Economic Development for funding through the Community Development Block Grant (CDBG) Program, as authorized under the Housing and Community Development Act [42 USC 5301 and 24 CFR Part 570], and further certifying compliance with the requirements of said program.

WHEREAS, it is necessary and in the public interest that CITY OF BUTLER, Pennsylvania, receive funds from the Commonwealth through the Department of Community and Economic Development in accordance with the Community Development Block Grant Program; and

WHEREAS, the CITY OF BUTLER has the legal authority and responsibility under Act 179 to apply for Community Development Block Grant funds; and

WHEREAS, CITY OF BUTLER have undertaken a considerable citizen participation process including written invitations to municipalities, informational meetings, hearings and legal notices all of which culminated in the prioritization of projects and development of a Community Development Plan; and

WHEREAS, CITY OF BUTLER are familiar with the requirements of the program as provided for in the Housing and Community Development Act (HCDA) and the Community Development Block Grant regulations; and

WHEREAS, CITY OF BUTLER wishes to apply for said funds.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF BUTLER that the MAYOR is authorized to have prepared the necessary forms and documents to submit an application to the Department of Community and Economic Development for Community Development Block Grant funds for the purposes aforesaid; and

BE IT FURTHER RESOLVED, if CDBG funds are determined by the Pennsylvania Department of Community and Economic Development to be expended on ineligible program costs or do not meet a national objective, CITY OF BUTLER agrees to repay the proportion deemed ineligible from non-federal sources.

BE IT FURTHER RESOLVED that the Community Development Plan was developed in coordination with low and moderate individuals, interested organizations, non-profits and other interested parties through the citizen participation process and municipal information gathering is hereby adopted; and

BE IT FURTHER RESOLVED that the MAYOR of the CITY OF BUTLER is empowered to place his/her signature, on behalf of the governing body, on necessary application forms and affix thereto the official seal of CITY OF BUTLER.

Adopted by CITY OF BUTLER at the regular meeting on OCTOBER 13, 2022.

Signature

OCTOBER 13, 2022

Date

Seal



RESOLUTION

Grantees are required to submit a signed resolution adopting the community development plan and approving and authorizing the submission of the Community Development Block Grant application.

Grantees are required to use the text of the attached resolution verbatim. Each applicant must insert the applicant's name and identify whether it is the Board of Commissioners, Borough Council, Board of Supervisors or City Council that is taking action where blank spaces are located.

Each applicant must upload a signed and dated copy of the resolution with the application submission.

RESOLUTION NO. 2022-10-13A

RESOLUTION OF CITY COUNCIL OF THE CITY OF BUTLER IN SUPPORT OF THE SALE OF THE BUTLER AREA SEWER AUTHORITY WASTEWATER SYSTEM TO PENNSYLVANIA-AMERICAN WATER COMPANY; AUTHORIZING COMMUNICATION OF INFORMATION AND COOPERATION WITH PENNSYLVANIA-AMERICAN WATER COMPANY; INSTRUCTING SPECIAL COUNSEL TO INTERVENE IN PENNSYLVANIA PUBLIC UTILITY COMMISSION PROCEEDINGS REGARDING PROPOSED SALE IN SUPPORT OF SALE; RATIFYING ALL ACTIONS TAKEN HERETO WITH RESPECT TO THE NEGOTIATION AND PREPARATION OF THE ASSET PURCHASE AGREEMENT; AND RESCINDING INCONSISTENT RESOLUTIONS.

WHEREAS, pursuant to the Municipality Authorities Act, the City of Butler (the "City") and Butler Township incorporated the Butler Area Sewer Authority (the "Authority") on November 13, 1962;

WHEREAS, the Authority currently owns and operates a sanitary wastewater collection and treatment system (the "System") that provides wastewater service to various customers throughout Butler and Center Townships, the City of Butler, and Borough of East Butler, portions of Connoquenessing, Oakland, Summit Township and a portion of Penn Township (the "Service Area");

WHEREAS, the Authority contemplates the sale of all assets, properties and rights of the Authority (whether tangible, real, personal or mixed), which are exclusively held and used in connection with the System, including, but not limited to, information received by Authority as to consumption and/or usage by customers within the service area of the System to facilitate accurate billing (the "System Assets"), as set forth in the Asset Purchase Agreement (the "APA") with Pennsylvania-American Water Company ("American");

WHEREAS, any potential transaction would require the approval of the Pennsylvania Public Utilities Commission ("PUC");

WHEREAS, the Authority held numerous meetings and open houses to obtain public comment to the potential sale of the wastewater System to American;

WHEREAS, representatives of the City attended said public meetings and open houses of the Authority to observe public comment to the potential sale of the wastewater System to American;

WHEREAS, the City's City Council ("City Council"), at its public meetings solicited public comment from residents and businesses of the Service Area with respect to any potential sale of the wastewater System to American;

WHEREAS, City Council has determined that the transaction contemplated by the APA is in the best interests of the City and its residents;

WHEREAS, the Authority has negotiated an APA with American that meets the requirements for the criteria set forth by City Council for the sale of the System Assets; and

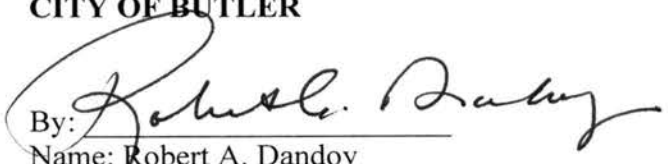
WHEREAS, City Council has determined that it is in the best interest of the City to support, and approve the Authority's desire to execute, deliver and perform under the APA.

NOW THEREFORE, be it, and it is hereby RESOLVED by the City Council of the City Butler, as follows:

1. **Support of Approval of the APA.** City Council supports encourages and approves the execution, delivery and performance of the APA by the Authority in substantially the form attached hereto as Exhibit "A".
2. **General Authorization.** City Council hereby authorizes the City, its agents and employees, to take any and all necessary actions required by the Municipality Authorities Act and other applicable laws to complete the sale of the System Assets, including cooperating with the Authority and American with regard to Pennsylvania Public Utility Commission approvals and valuations (if required), and such cooperation shall continue until all System Assets are conveyed in a proper manner to American.
3. **Instruction to Special Counsel.** City Council hereby instructs Obermayer Rebmann Maxwell & Hippel LLP to intervene in any PUC proceeding regarding the transaction and APA in favor of approval of the proposed transaction and APA.
4. **Severability.** The provisions of this Resolution are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of City Council that this Resolution would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.
5. **Ratification.** All actions by City Council, its members, agents and employees with respect to the negotiation and preparation of the APA, prior to the date hereof, are hereby adopted, ratified and confirmed in all respects.
6. **Effective Date.** This Resolution shall take effect immediately.
7. **Repealer.** All other resolutions or parts thereof as they are inconsistent with Resolution are hereby repealed.

RESOLVED, this 13 day of October, 2022.

CITY OF BUTLER

By: 

Name: Robert A. Dandoy

Title: Mayor

ATTEST:

Melinda F. Gall, City Clerk

I, Melinda F. Gall, City Clerk of the City of Butler, Butler County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted at a public meeting of the City of Butler City Council held on October 13, 2022.



EXHIBIT "A"

Form of Asset Purchase Agreement