

MINUTES, WEEK OF APRIL 26, 2022

The Board of Trustees met on Tuesday, April 26, 2022, at the Butler Township Government Center, 3780 Little York Road, Dayton Ohio, at 6:00p.m. for a Regular Session to transact the business of the township.

Missy Pruszynski, President called the meeting to order.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

The Minutes of March 22, 2022, Regular Session, were submitted for approval. Bryson Jackson made a motion to approve the Regular Session Minutes of March 22, 2022, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion 3-0.

The Workshop Minutes of April 12, 2022, Workshop Session, were submitted for approval. Bryson Jackson made a motion to approve the Workshop Session Minutes of April 12, 2022, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

PUBLIC HEARING

ZC 2-21, Yorkshire Reserve, Section III, Final Development Plan and PD-1, Planned Development Modification, per Article 19 of the Butler Township Zoning Resolution

The Public Hearing was opened for review and discussion. The proposed PD-1 modification has been requested to complete Section III of the Yorkshire Reserve development. Section III consists of 15.9 acres

The Butler Township Zoning Commission held three (3) separate public hearings regarding the case on November 16, 2021, February 15, 2022 and March 8, 2022. The Zoning Commission recommended denial of the proposal of 48 lots on March 8, 2022, and the Butler Township Trustees set the public hearing March 26, 2022. The original Preliminary Plan for Yorkshire Section III, which was approved in 2002, consisted of 34 lots. On April 25, 2022 the Township received a modified plan, consisting of 44 lots.

Mr. Schaeffer provided a brief summary of the propose development. He stated that the proposed development of Section 3 will have the exact same covenants, conditions and restrictions governing Sections 1 & 2 of the Yorkshire Reserve Subdivision, but with minor exceptions. Those exceptions would be smaller lot size and square footage of the homes, with a mix of 1, 1.5 and 2 stories. He stressed that the homes being proposed will not be low income housing. The homes would be in the range of \$300,000. He stated that the exterior components of the homes will be the same requirements as the existing development, with restrictions such as stone, brick and cedar plank siding. The site is accessible from public roads with adequate flow of traffic. He further explained the streets and driveways would efficiently and safely serve the residents of the area.

A request was made for proponents and/or opponents to address the board with comments or questions.

Tessy Smith located at 3164 Northerton Court, asked who was going to be the builder.

Mr. Schaeffer stated D.R. Horton will be the builder.

Tarina Mason located at 3148 Northerton Court, stated they are opposed to the builder. She stated she had researched the proposed builder and there are currently some negative reviews and claims against the builder that are concerning. She

indicated this may affect the current home values in the area. She noted that at one time she heard that Fischer Homes was coming and she said that would be a better builder for the community.

She also noted another concern is the original plan consisted of 34 homes and now it is 44 homes. She stated they did not like the idea of homes stacked up against each other, they liked the space in between with different elevations along with brick front and wrap, no siding.

Staff stated they did incorporate the same requirements that are in the existing covenants for Sections 1 & 2 and it was also added in the covenants, that the same elevations could not be side by side.

Russell J. Yakim, III located at 3156 Northerton Court, stated he is also opposed to the development and he concurred with Ms. Mason and Ms. Smith. He also commented on the proposed builder with all the concerning negative reviews and law suits. He mentioned traffic would be an issue and the addition of a traffic light would help more than anything.

Mr. Schaeffer stated that the builder has had several lawsuits; however they are a very large builder. The builder has assured them they will offer everything they can to provide the best product with this project.

Staff stated for the record that this comment was mentioned at the Zoning Commission meeting regarding the lawsuits and the building quality. Staff noted that the township did reach out to multiple jurisdictions in Montgomery County and spoke with the Chief Building Official and he said they have had no problems with the company with projects in Montgomery County.

Trustee Pruszynski requested comments and/or questions from the Board of Trustees. Trustee, Jackson stated he appreciated everyone's voice in this process and acknowledge the developer and their patience in this development. He noted his concern was that the Zoning Commission has not seen the newly revised plan with 44 lots and their recommendation wasn't based on the same plan.

Trustee, Thein stated that he thinks the Zoning Commission would be in favor of the new plan.

Staff indicated that, in speaking to the board, the remaining Issue that had not been resolved was density.

Trustee, Pruszynski stated she still had concerns regarding the proposed plan, that it was still too dense, and she had concerns going against the Zoning Commission decision, and she was also still not clear on the minimum prices of the homes, based on the discussions. She stated that her position on the rezoning would be denial.

There was no further discussion; the Public Hearing was closed for discussion.

Bryson Jackson made a motion to direct Case #ZC 2-21 back to the Zoning Commission to review the new plans for approval or denial, as submitted, with Mike Thein seconding.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – No, Mike Thein – Yes, and Bryson Jackson - Yes. **The motion was approved 2-1.**

PUBLIC COMMENTS

Richard Oaks located at 1397 Jackson Road stated there are some issues and problems on Jackson Road. He stated his concerns involved the roadways to the north and how it will be impacted by what is proposed by the City of Union.

Staff stated they have just received revised plans for the roadway and noted they are different than the previous plans, but they have not been reviewed at this time.

Douglas Fink located at 1352 Jackson Road stated he concurred with Mr. Oaks. He stated his concerns were the lack of transparency, and what is happening on Jackson Road. He indicated that the City of Union is affecting the residents of Butler Township. Mr. Fink also stated that the traffic on Jackson Road is an issue and is very frustrating.

Trustee, Jackson stated that he recently attended a City of Union meeting last month concerning a number of residents on Old Springfield expressing concerns about noise from the recent development directly behind the residents. He explained the residents wanted to make sure the council were aware of the problem the township residents were having and to be sympathetic to the issue and act accordingly. He stated he did not get any reassurances or any clear plan of action. Trustee, Jackson stated the township hears their concerns.

Richard Oaks stated the township has as much authority on Jackson Road as the City of Union on what they are building up to the north of the right of way line on Jackson Road. Mr. Oaks urged the trustees to reach out to the prosecutor's office. He also stated that he could be faced with eminent domain.

ADMINISTRATOR'S RECOMMENDATIONS

Resolution #22-16 was submitted. Administrator, Erika Vogel stated Sedgwick manages BWC claims for Butler Township and the township participates in OTARMA's Group Retro Rating Program. Sedgwick has estimated the target refund for 2023 premiums at approximately \$20,076 and the proposed cost for participation in the program is \$4,480 for 2023.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-16, Resolution Authorizing the Township to participate in the Ohio Township Association Group Retro Rating Program for BWC Claims through Sedgwick, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-16 was approved, 3-0.**

Resolution #22-17 was submitted. Administrator, Erika Vogel stated a letter of interest was submitted for consideration and the Township Administrator is recommending the appointment of Catherine Grembowski to complete the term of Mike Thein on the Board of Zoning Appeals, expiring December 31, 2022. Upon expiration, Ms. Grembowski can be reappointed to another term.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-17, Resolution Appointing Catherine Grembowski to the Butler Township Board of Zoning Appeals, as submitted, with Mike Then seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-17 was approved, 3-0.**

Resolution #22-18 was submitted. Administrator, Erika Vogel stated the township's Medical Director, Dr. Paul Zych is retiring. Dr. Zych provided 35 years of service to the Butler Township Fire Department. Chief Alig reached out to both Premier and Kettering health networks for recommendations and Dr. William Breeding with Kettering Health is interested in assuming the role and has been recommended as the township's medical director.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-18, Resolution Appointing Dr. William Breeding as the Butler Township Fire Department Medical Director, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-18 was approved, 3-0.**

Resolution #22-19 was submitted. Administrator, Erika Vogel explained that this resolution will adopt the new title of Battalion Chief, per the attached recommendation of Chief Alig. The new title will be assumed by all three Captains, once they complete the requirement of completing their degrees. The resolution also updates the job description for the Assistant Chief.

Chief Alig stated that he has been working on this for approximately 10 years, to get the Captains to the level of Battalion Chief. He noted that he set out a plan to get them there because of what they do on how the operations are ran on each shift. He said he wanted the Captains to be in line with other departments He mentioned that this title change will open more doors for them in the fire service.

Bryson Jackson made a motion to approve Resolution #22-19, Resolution Adopting a Job Description for Battalion Chief and Updating the Job Description for Assistant Chief in the Fire Department, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-19 was approved, 3-0.**

Resolution #22-20 was submitted. Administrator, Erika Vogel stated that this resolution approves the purchase of the Mower Max roadside mower through state bid at a cost not to exceed \$211,700, which includes a front lift (\$10,250) and an articulating rotary deck (\$3,950) as upgrades. This equipment purchase was planned for 2022 and came in over budget by \$19,700; appropriations shall be increased in the PMVLT Fund to account for the additional increase.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-20, A Resolution Authorizing the Service Director to Purchase a Mower Max Boom Mower from Atmax Equipment Co. for the Service Department, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-20 was approved, 3-0.**

Resolution #22-21 was submitted. Administrator, Erika Vogel stated the Township's IT Consultant, Trustpar, LLC, has recommended the township upgrade the township's server with a Dell Tower Server at a cost not to exceed \$11,250 and a cost not to exceed \$12,500 for install and implantation.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-21, Resolution Authorizing the Administrator to Purchase a Dell Server for the Township and Enter into an agreement with Trustpar for its Install and Implementation, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-21 was approved, 3-0.**

Informal Business:

Police Chief Porter invited the board, staff and residents to attend the Montgomery County 15th Annual Law Enforcement Officer Memorial which will be held Friday, May 6th located at Riverscape in Dayton at 11am. This memorial is to honor the law enforcement officers who died in the line of duty.

Fire Chief Alig reported that fire engine 88 has a turbo problem and they have ordered the parts and are waiting for them to come in.

Service Director, Jeff Barnett reported the asphalt program has concluded. He noted the street sweeper is running again and the repairs ended up at around \$3,000.00.

Township Administrator, Erika Vogel reported that the Memorial Program at the High School will be held on May 20th at 1:30 p.m and noted that everyone should have received the invite in their mail.

Fiscal Officer, Greg Brush announced that National Day of Prayer will be held the morning of May 5, 2022 at the Hangar at First Light Church. He said that everyone is invited. Unfortunately, he noted, he will be at work so he will not be able to make the event that day.

Trustee, Bryson Jackson invited everyone out to come out for the Coffee with a Cop, also he noted that community volunteers will be meeting on Saturday at WalMart at 9am for the Beautify Butler Project. He stated this is citizen driven, to work on some clean-up of litter in areas that need attention. This will be the first clean-up for the group.

Trustee, Mike Thein reported that the township is still working through the process of hiring a consultant with Montgomery County for the water testing.

President, Missy Pruszynski welcomed Ms. Grembowski to the Board of Zoning Appeals and Dr. William Breeding as the Medical Director, and also gave her best wishes to Dr. Zych on his retirement. She also wanted to give appreciation to all the residents who put in their time to help Butler Township and also for the public comments tonight at the meeting.

Bryson Jackson reported that the trustees have reviewed the financial statements and made a motion for approval to pay the bills of the township, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Missy Pruszynski made a motion to adjourn the regular meeting at 7:12p.m.

MISSY PRUSZYNSKI
PRESIDENT

GREGORY A. BRUSH
FISCAL OFFICER