

**MINUTES OF THE
REGULAR MEETING HELD
June 19, 2017**

The regular meeting of the Butler Township Board of Commissioners was held on June 19, 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 Zamick, Vice-Pres. Sam Zurzolo, Commis. Joe Wiest and Commis. Jim Lokhaiser, Jr. Commis. Charles M. Nedz was absent.

Also present were Asst. Manager Cheryl McNeill, Solicitor Larry Lutz, Zoning Officer Jesse Hines, Superintendent of Public Works Thomas Knights, Police Chief John Hays and Township Engineer Dan Deiseroth.

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

Pres. Zamick stated that anyone taping the meeting is required to state their name and address at the beginning of the meeting. There was no one.

Pres. Zamick asked if there were any corrections or additions to the minutes of the May 15, 2017 meeting. There being none, the minutes will stand as presented.

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

Commis. Lokhaiser reported that all three Butler Township volunteer fire departments received their second quarter allocations.

Commis. Lokhaiser presented information from a report that he received from Dave Heltzell on the work being done at Preston Park. As of this morning the members of the Monday Morning Maintenance Crew have donated three hundred and sixteen hours of work at Preston Park. There are seven new members to this group of volunteers.

Commis. Zurzolo thanked Road Superintendent Knights and the Road Department for their work on Duffy Road.

Commis. Zurzolo thanked the Recycling Committee for their work on the Recycling Event held on June 10th. Approximately one hundred residents participated in this event. He asked that thank you notes be sent to the members of the Recycling Committee for their efforts.

Commis. Zurzolo reported on the Flag Day Ceremony held in Lyndora.

Commis. Wiest had nothing to report.

Solicitor Lutz had nothing to report.

Township Engineer Deiseroth had nothing to report.

Zoning Officer Hines had nothing to report.

Public Works Superintendent Knights reported that the Road Department has been working in preparation for the paving projects by repairing bad storm sewer pipes.

Public Works Superintendent Knights reported that the Township has received its Pesticide Spraying Certification. The department should be able to begin their spray program by mid-July.

Chief Hays reported the department has been recertified for a two year period.

Chief Hays reported that all of the recently hired patrolmen are now on patrol on their own, so the department is back to its full complement.

Chief Hays reported that with the nice weather they have received a lot of complaints about speeding, so the officers have been out patrolling to try and curb the speeding in the township.

Commis. Zarnick asked Asst. Manager McNeill to have Manager Kirkwood contact Connoquenessing Township concerning speeding along Buttercup Road. The speed limit along this road is twenty-five MPH in the Township and is thirty-five in Connoquenessing Township. He is requesting that they lower their speed limit to match the township's to hopefully slow down the traffic on Buttercup Road. Chief Hays explained that the request is warranted so that adequate distance is provided to enforce the speed limit in the township.

Asst. Manager McNeill reported that there was a tour of Preston Park on May 26th in conjunction with a class that was given through the Institute of Learning in Retirement. Tony Stagno was the tour guide for this group and the group was very pleased with the tour. This led two individuals to make a donation to go towards Park Development. The donors were Carol Amidon of Butler and Dale Doran of Slippery Rock. Thank you notes will be sent out to these individuals acknowledging their contributions.

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

Zoning Officer Hines presented the request for the release of the New Castle Road Sheetz Bond in the amount of \$113,451.80. The project has been completed and a maintenance bond has already been received.

Motion by Commis. Wiest to release the New Castle Road Sheetz Bond in the amount of \$113,451.80. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request for the release of the Butler Crossing Lot 5 Bond in the amount of \$299,417.80, contingent upon receipt of an 18-Month Maintenance Bond in the amount of \$44,912.67.

Motion by Commis. Wiest to release the Butler Crossing Lot 5 Bond in the amount of \$299,417.80, contingent upon receipt of an 18-Month Maintenance Bond in the amount of \$44,912.67. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request for the release of the Keelan Dental Bond in the amount of \$63,947.40, contingent upon receipt of an 18-Month Maintenance Bond in the amount of \$9,592.11. The project has been completed.

Motion by Commis. Wiest to release the Keelan Dental Bond in the amount of \$63,947.40, contingent upon receipt of an 18-Month Maintenance Bond in the amount of \$9,592.11. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Zoning Officer Hines presented the request for the release of the Greater Butler Mart McDonald's Bond in the amount of \$141,460.00 and waive the requirement to post an 18-Month Maintenance Bond.

Motion by Commis. Wiest to release the Greater Butler Mart McDonald's Bond in the amount of \$141,460.00 and waive the requirement to post an 18-Month Maintenance Bond. Seconded by Commis. Zurzolo. Commis. Zamick questioned the note about two catch basins that were not installed. A discussion followed. Engineer Deiseroth noted that a change was made to the plans and everything is in order. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Engineer Deiseroth presented the information on the bids for the Traffic Signal Upgrade Contract. Four bids were received and after review, Bronder Technical Services was the lowest responsible bidder meeting specifications and he recommended approval.

Motion by Commis. Wiest to award the Traffic Signal Upgrade Contract to Bronder Technical Services in the amount of \$77,249.17. Seconded by Commis. Zurzolo. A discussion followed concerning the start date. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Chief Hays presented the request to have Patrolman Max Wittlinger assist with the Pennsylvania State Police Troop D Camp Cadet Program from August 6 - 11, 2017. He will act as a counselor for the youth attending the camp. The Police Department schedule will be adjusted to permit Ptmn. Wittlinger to attend. A discussion followed.

Motion by Commis. Zurzolo to authorize Ptmn. Max Wittlinger to assist with the Pennsylvania State Police Troop D Camp Cadet Program from August 6 - 11, 2017. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Asst. Manager McNeill presented the request by Manager Kirkwood for authorization for the Township to acquire a credit card due to the fact that the Commonwealth of Pennsylvania will no longer accept payment by check for certain permits.

Motion by Commis. Zamick to authorize the Township to acquire a credit card for payments made to the Commonwealth of Pennsylvania. Seconded by Commis. Wiest. A discussion followed. Commis. Zamick noted that a credit card usage policy is being drafted and will be approved at a later date, but a credit card needs to be acquired now so that the township can make the payment to the Commonwealth on time. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Solicitor Lutz presented the request to appoint Special Counsel to represent Butler Township with Butler Transit Authority issues. Since Lutz & Pawk represents both the Butler Transit Authority and Butler Township it would be prudent to have each entity separately represented. He recommended Philip Lope from Zelienople be appointed as Special Counsel to Butler Township for Butler Transit Authority Issues.

Motion by Commis. Zurzolo to appoint Philip Lope as Special Counsel to represent Butler Township with Butler Transit Authority issues. Seconded by Commis. Zarnick. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Motion by Commis. Zurzolo to promote Thomas Vensel to the position of sergeant in the Butler Township Police Department effective June 25, 2017. Seconded by Commis. Wiest. Chief Hays presented information on the events that created the need for the promotions and the interview process that was followed. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Solicitor Lutz explained the Civil Service Commission Rules in a situation when there is more than one officer being promoted and noted that the township has met the requirements of the Civil Service Commission Rules by immediately generating a new eligibility list executed by the Civil Service Commission Chairman of three candidates following the first promotion.

Motion by Commis. Zurzolo to promote James Sasse to the position of sergeant in the Butler Township Police Department effective June 25, 2017. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Solicitor Lutz presented information on a request for a granting of an easement on property located at 331 South Eberhart Road, which is adjacent to Preston Park. The current driveway is located on Preston Park property. The request was made by Linda Oesterling, Executrix of the Estate of Pearl Osche, who owned the property, so that the driveway would be added to the property at 331 South Eberhart Road. He recommended the granting of an easement, contingent upon his final approval of the terms and conditions of the easement.

Motion by Commis. Zarnick to approve the granting of an easement for the Osche Estate for the Preston Park property adjacent to 331 South Eberhart Road contingent upon final approval of the terms and conditions of the easement agreement by the Township Solicitor. Second by Commis. Lokhaiser.

Commis. Zarnick asked for public comment on this none agenda item. There was none. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

PUBLIC HEARING – 7:00 p.m. - Giant Eagle, Inc. Liquor License Transfer

Solicitor Lutz noted that it is now 7:00 p.m. It is the time and place set forth for the Public Hearing on the Giant Eagle, Inc. Liquor License Transfer. A court reporter is present for the proceedings. The proposal is to transfer into Butler Township Restaurant Liquor License No. R-18424 from Summit Township. Anyone who wished to speak or testify on this matter was sworn in.

Chris Nichols, representing Z Pointe Enterprises, LLC owner of Giant Eagle Inc., presented information on the request for the liquor license transfer from Wide Receiver Lounge Inc. in Summit Township to the Giant Eagle in Butler Township for the purpose of selling beer and wine at that location. Wayne Zupancic, owner of Z Pointe Enterprises, LLC was also present to answer questions.

Questions were taken from the Board.

Solicitor Lutz asked for comments from the public. There was none.

Solicitor Lutz noted for the record that the company requesting the liquor license transfer is Z Pointe Enterprises, LLC. And the license is requested for their Giant Eagle located at 700 Moraine Point Plaza, Butler.

Solicitor Lutz adjourned the hearing at 7:11 p.m.

Solicitor Lutz noted that a resolution has been created for the Liquor License Transfer and he has reviewed the document. Should the Board decide to act on this request at this meeting, a copy of the resolution will be presented to the court reporter for inclusion in the transcript.

Motion by Commis. Wiest to pass Resolution 17-14, authorizing the transfer of Restaurant Liquor License No. R-18424 from Summit Township into Butler Township for the Giant Eagle located at 700 Moraine Pointe Plaza. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zamick: Yes. Motion carried.

Assistant Manager McNeill reviewed the bills report and the following totals were noted: General Fund - \$283,844.46; Highway Aid Fund - \$16,031.66; Park Development Fund - \$679.48; General Fund (added after May Bills Report) - \$14,546.00; Payroll Fund (prior month) - \$235,451.49.

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

Commis. Zurzolo read a letter received from the Butler Transit Authority concerning changes to the Route 5 bus service to Butler Township. A discussion followed. Commis. Zarnick recommended that the Board authorize Manager Kirkwood to write a letter to Butler Transit Authority requesting further study of the route changes in Butler Township.

Motion by Commis. Zarnick to authorize Manager Kirkwood to write a letter to Butler Transit Authority requesting further study of the route changes to Route 5 in Butler Township. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Commis. Zarnick commented that recently there have been several media articles regarding Center Township's intentions to move forward on an East-West road connecting Lyons Road and Duffy Road and editorials regarding the construction of a North-West connector road to the incomplete Route 422/356 cloverleaf, and after being led to believe by Center Township that the Lyons-Duffy connector road plans had been abandoned due to the cost, these articles come as a surprise. He would like to recommend that the Township

Manager be authorized to draft letters to PennDot, SPC and our state representatives expressing that, due to the potential future costs to the township attributable to these roadways, we respectfully request the process be decelerated to allow the township's questions and concerns to be addressed. This includes, but is not limited to, the future of the Lyons Road Bridge and the impact on the provision of emergency services to those residents serviced by the bridge.

Commis. Zarnick also commented on a recent letter to the editor concerning this issue.

Motion by Commis. Zarnick to authorize the Township Manager to draft letters to PennDot, SPC and our State Representatives concerning Center Township's roadway plans and its impact on Butler Township, as presented. Seconded by Commis. Wiest.

Commis. Zarnick asked for public comment on this none agenda item. There was none. The vote was Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

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

John Slomer, 179 Bryson Road, commented on the storm water problems along Bryson Road and asked the township to look into fixing the issue. He presented pictures for the Board's review. Engineer Deiseroth responded to his concerns and will review the plans and prepare some recommendations for the Board.

There were no questions from the media.

Motion was made by Commis. Wiest to adjourn the meeting at 7:32 p.m., seconded by Commis. Lokhaiser and carried unanimously.

Theresa Giesler