

**MINUTES OF THE  
REGULAR MEETING HELD  
December 5, 2016**

The regular meeting of the Butler Township Board of Commissioners was held on December 5, 2016 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, Vice-Pres. Sam Zurzolo, Commis. Joe Wiest, and Commis. Charles M. Nedz. Commis. James Lokhaiser, Jr. was absent. Pres. Zarnick called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag.

Also present were Manager Ed Kirkwood, Assistant Manager Cheryl McNeill, Solicitor Rebecca Black, Chief John Hays and Public Works Superintendent Thomas Knights.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the November 21, 2016 meeting. There being none the minutes will stand as presented.

Commis. Zarnick noted receipt of the monthly reports for the Treasurer, Police and Road Departments.

Commis. Nedz had nothing to report.

Commis. Zurzolo had nothing to report.

Commis. Wiest had nothing to report.

Commis. Zarnick reported that he participated in the Christmas Parade in the City of Butler. There was a very nice crowd for the event.

Commis. Zarnick reported that he and Manager Kirkwood were in Harrisburg on December 1<sup>st</sup> working on the rewrite of the First Class Township Codes.

Asst. Manager McNeill had nothing to report.

Public Works Superintendent Knights had nothing to report.

Chief Hays reported that the Citizen's Police Academy will be held starting Tuesday, January 17<sup>th</sup> and running consecutive Tuesdays until February 28<sup>th</sup> from 6:30 to 8:30 PM at the Butler Township Park Rental Building.

Chief Hays reported that the Township will be participating in the "Fill a Cruiser" program being run by the Sheriff's Department and will benefit Toys for Tots. A Butler Township cruiser will be at Walmart on Saturday, December 10<sup>th</sup> from 9:00 AM to 5:00 PM. The public will have the opportunity to put a new, unused toy in the vehicle. A sheriff's vehicle will also be present. Immediately following the event, all toys collected will be delivered to the Toys for Tots collection site in Center Township. Manager Kirkwood suggested taking the township trailer to the event to encourage additional donations.

Solicitor Black had nothing additional to report on other than agenda items.

Manager Kirkwood reported West Penn Power is working hard to complete the street light conversion process. He reported that he has received four (4) complaints from residents, all attributed to lights shining towards the residences because of leaning poles. He has been in contact with West Penn Power and they are working on rectifying the issue.

Commis. Zarnick thanked the Master Gardeners for doing a wonderful job at decorating the Christmas tree in the lobby.

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

Manager Kirkwood requested authorization to solicit proposals from vendors for the 2017 Fuel Bidders List.

Motion by Commis. Zarnick to solicit proposals from vendors for the 2017 Fuel Bidders List. Seconded by Commis. Nedz. The vote was Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the annual resolution for the Police Pension Plan employee contribution. The Minimum Municipal Obligation will be satisfied with state aid and as such no employee contribution is required.

Motion by Commis. Zarnick to pass Resolution 16-36, establishing the Police Pension Plan employee contribution, as presented. Seconded by Commis. Nedz. The vote was Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood presented the annual resolution for the Municipal Employee Pension Plan employee contribution. Based on the Minimum Municipal Obligation, employee contributions at a rate of three (3) percent of earnings is required. An additional one (1) percent contribution is required to go into a 457 Deferred Compensation Plan.

Motion by Commis. Zarnick to pass Resolution 16-37, establishing the Municipal Employee Pension Plan employee contribution, as presented. The vote was Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Kirkwood stated that after a review of the Janitorial Services bids, The Arc of Butler County was the lowest responsible bidder meeting specifications at a monthly cost of \$1,795.42 per month for the period January 1, 2017 through December 31, 2018. Two bids were received for the contract. After review of the bids it was discovered that the other bidder did not include all of the information that was requested with their submission and so the bid had to be rejected.

Motion by Commis. Nedz to award the Janitorial Services Contract for the period January 1, 2017 through December 31, 2018 to The Arc of Butler County at a monthly cost of \$1,795.42 per month. Seconded by Commis. Wiest. A discussion followed. Solicitor Black stated that it is a requirement of the township to reject any bids that are non-conforming after they have been submitted. The township is not authorized legally to receive additional information after the bids are opened. There are strict compliance rules with the bidding process. The vote was Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Commis. Zarnick asked for public comment on any item of concern. There was none.

A recess was called until 7:00 PM.

**7:00 p.m. - OPEN HEARING – Giant Eagle Inc. – Liquor License Transfer**

Solicitor Black stated that this is the time and place set for a public hearing in the matter of the Giant Eagle request for an inter-municipal liquor license transfer. The meeting has been duly advertised and the proper parties and persons notified.

A court reporter, Kelly Ferrari, is present. All in attendance who wished to testify were asked to stand and be sworn in.

Mark Kosar, of the law firm Flaherty and O'Hara, 610 Smithfield Street, Suite 300, Pittsburgh, PA 15222, representing Giant Eagle, presented information on the proposed liquor license transfer that will go to Giant Eagle for the Get Go location at 1024 North Main Street. The new regulations under Liquor Code Act 39 were summarized. He also presented information on the history of Giant Eagle. Mr. Kosar explained the procedures that Giant Eagle has established concerning the sale and consumption of alcohol at their Get Go. He asked for questions from the board.

Solicitor Black advised the board that questions related to this matter need to be tailored to the issue before them. Any questions would need to concern issues or facts that they feel would adversely affect the public welfare, morals, health or peace of the Butler Township residents. They can also ask questions about any licensed establishments in close proximity to the proposed establishment to the extent that they deem relevant to their determination of the transfer.

Questions were taken from the board.

Danny Kazienko, 101 Cabot Drive, Pittsburgh, PA 15238, representing Giant Eagle, responded to questions from the board.

Solicitor Black stated that with no further questions or comments the hearing is now closed.

**7:16 P.M. - CLOSE HEARING**

Motion by Commis. Nedz to pass Resolution 16-38, authorizing the transfer of Restaurant Liquor License No.R-14715 from the City of Butler into Butler Township for the Giant Eagle Get Go location. Seconded by Commis. Zurzolo. The vote was Nedz: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

There were no questions from the media.

Motion by Commis. Nedz to adjourn the meeting at 7:18 p.m., seconded by Commis. Wiest and carried unanimously.

*Theresa Geisler*

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