

**MINUTES OF THE
REGULAR MEETING HELD
November 6, 2017**

The regular meeting of the Butler Township Board of Commissioners was held on November 6, 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 Zarnick, Vice-Pres. Sam Zurzolo, Commis. Joe Wiest, Commis. Charles M. Nedz and Commis. James Lokhaiser, Jr. 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 Larry Lutz, Zoning Officer Jesse Hines, Chief of Police John Hays and Public Works Superintendent Thomas Knights.

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

Commis. Zarnick asked if there were any corrections or additions to the minutes of the October 16, 2017 meeting. There was 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. Lokhaiser reported that he and Commis. Zarnick attended the Butler County Association of Township Commissioners meeting on October 24, 2017.

Commis. Lokhaiser reported the South Butler Volunteer Fire Department Auxiliary will be holding a bake sale and soup sale on Tuesday, November 7th.

Commis. Lokhaiser reported that the next Fire Commission meeting will be held on Wednesday, November 15th at 6:30 p.m. at the Municipal Building.

Commis. Lokhaiser reported that there is a tour of Preston Park scheduled for Saturday, November 25th.

Commis. Lokhaiser reported that there is an informational meeting scheduled for Tuesday, November 14th to discuss the Preston Park Restroom Grant Application. The meeting is open to the public.

Commis. Lokhaiser reminded everyone that tomorrow is Election Day and they should get out and vote.

Commis. Zurzolo had nothing to report.

Commis. Wiest reported on the activities of the Road Department for the month of October.

Commis. Zarnick congratulated the Butler County Community College for being named the number one community college in Pennsylvania.

Solicitor Lutz had nothing to report.

Zoning Officer Hines had nothing to report.

Asst. Manager McNeill had nothing to report.

Public Works Superintendent Knights had nothing to report.

Manager Kirkwood had nothing to report.

Chief Hays reported that the department is making plans to hold the Citizens Police Academy in the beginning of next year. It is an eight week program on the activities of the Police Department.

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

Manager Kirkwood presented the request from the Ellen O'Brien Gaiser Addiction Center for the release of their bond contingent upon receipt of an 18-month Maintenance Bond in the amount of \$15,024.74.

Motion by Commis. Nedz to release the Ellen O'Brien Gaiser Addiction Center Bond in the amount of \$110,181.39 contingent upon receipt of an 18-Month Maintenance Bond in the amount of \$15,024.74. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

There was no correspondence.

PUBLIC HEARING – 6:45 p.m. – Economic Development Restaurant Liquor License

Solicitor Lutz noted that it is now 6:45 p.m. It is the time and place set forth for the Public Hearing pursuant to Chapter 40 of the Pennsylvania Code, Section 3.101 for the purpose of hearing testimony and public comment regarding the proposal filed by Guerrero 5, LLC for the issuance of an Economic Development Restaurant Liquor License at 138 Point Plaza in Butler Township. This hearing is not for the purpose of approving the application but is a prerequisite for the applicant to go before the Liquor Control Board for an actual license. A court reporter is present for the proceedings. Anyone who wished to speak or testify on this matter was sworn in.

Sheri Hershberger, 311 East Penn Street, Butler, representing Guerrero 5, LLC and Reynoldo Palacios, 115 North Eberhart Road, owner of Guerrero 5, LLC, presented information on their request for the approval of the Township to apply for the Economic Development Restaurant Liquor License. Questions were taken from the Solicitor and the members of the Board.

Solicitor Lutz presented the proposed resolution for the approval of Guerrero 5, LLC's request to apply to the Liquor Control Board for an Economic Development Restaurant Liquor License.

Solicitor Lutz opened the hearing to public comment.

Yogi McCormick, 129 Pony Trail Lane, spoke in favor of granting approval for the Economic Development Restaurant Liquor License application.

Dana Knox, 120 Seneca Drive, spoke in favor of granting approval for the Economic Development Restaurant Liquor License application.

Reginald Reginella, 105 Henley Drive, spoke in favor of granting approval for the Economic Development Restaurant Liquor License application.

Julie Anderson, 5140 Polo Fields Drive, Gibsonia, PA, spoke in favor of granting approval for the Economic Development Restaurant Liquor License application.

Richard Hein, 463 South Benbrook Road, spoke in favor of granting approval for the Economic Development Restaurant Liquor License application.

CLOSE HEARING – 7:10 p.m.

Motion by Commis. Nedz to pass Resolution 17-22, approving the issuance of an Economic Development Restaurant Liquor License pursuant to 40 PA Code Section 3.102 to Guerrero 5 LLC for use at 138 Point Plaza in the form that was presented at the hearing. Seconded by Commis. Zurzolo. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Asst. Manager McNeill presented information on the removal of the dead trees at Preston Park. She introduced Robert Carlberg, a local forester who presented a multi-year forestry management plan for Preston Park. He stated it was designed for multiple phases with phase one being in the area of the arboretum. Normally, timber companies are not interested in a small logging job but he has a company that is interested.

Russ Yockey, 468 C Whitestown Road, reported that in another area of the park, a large tree has split in half and inquired if the tree could be included.

Jim Galbreath, 229 Grandview Avenue, stated he is full support of the project.

Sue Rottman, 208 Summer Street, asked where Preston Park was located.

Zoning Officer Hines presented the proposed amendments to Chapter 300 (Zoning) of the Codified Ordinances of Butler Township. Many discussions occurred.

Motion by Commis. Nedz to introduce an Ordinance amending Chapter 300 (Zoning) of the Codified Ordinances of Butler Township, and all previous amendments thereto. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

Motion by Commis. Nedz to set the Public Hearing Date and Time for the Zoning Ordinance Amendments for December 18, 2017 at 7:00 p.m. Seconded by Commis. Lokhaiser. The vote was Lokhaiser: Yes; Nedz: Yes; Wiest: Yes; Zurzolo: Yes; Zarnick: Yes. Motion carried.

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

Sue Rottman, 208 Summer Street presented information on the damage she received from the flooding of July 5, 2017 and asked for assistance from the Township.

Joe Hasychak, 114 Deer Run Drive, thanked Public Works Superintendent Knights and the Road Department for the work on the storm drains. He also thanked Chief Hays for the house check that the Police Department provided during his recent vacation. He asked when the next newsletter will be distributed. He also stated that the chairs in the meeting room are uncomfortable.

Questions were taken from the media.

Motion by Commis. Lokhaiser to adjourn the meeting at 8:43 p.m., and carried unanimously.

Theresa Guster
