

**MINUTES OF THE
REGULAR MEETING HELD
January 21, 2019**

The regular meeting of the Butler Township Board of Commissioners was held on January 21, 2019 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. Joseph A. Wiest, Commis. James Lokhaiser, Jr. and Commis. Fred M. Vero.

Also present were Manager Tom Knights, Solicitor Rebecca Black, Zoning Officer Jesse Hines, Township Engineer Dan Deiseroth, Chief of Police John Hays and Public Works Director Dave Meeder.

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

Pres. Zarnick stated that anyone taping the meeting is required to state their name and address at the beginning of the meeting. Ryan Saelor, Butler Radio Network recorded the meeting.

Zoning Officer Hines announced that Ed Simon & Company Sound will be monitoring the sound system during the meeting and making necessary adjustments to the system. He reminded everyone to make sure that their microphones are turned on and that they speak into their microphones so that accurate adjustments can be made.

Commis. Zarnick introduced Dave Meeder who was recently hired as the Director of Public Works for Butler Township.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the December 17, 2018 meeting. There being none, the minutes will stand, as presented.

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

Commis. Vero had nothing to report.

Commis. Lokhaiser commended the Road Department for their efforts during the recent snow event.

Commis. Zurzolo had nothing to report.

Commis. Wiest also commended the Road Department for their efforts during the recent snow event.

Commis. Zarnick reported that he attended the County Recreation meeting. He stated that the 2019 grant application session for Butler County Recreation Grants is now open; the two-year extension for the Dek Hockey Management Agreement was discussed; and DCNR grants are now open for 2019.

Commis. Zarnick reported that Manager Knights and he attended the Allegheny League of Municipalities reception. During the reception Commis. Zarnick spoke on the legislation priorities for 2019. One of the issues is the use of radar by municipal police departments.

Chief Hays reported that the Citizens Police Academy started on January 15th with fourteen participants. The class meets for six consecutive Tuesdays.

Commis. Zarnick asked Chief Hays to look into an issue at Greater Butler Mart where the snow from the parking lot was plowed to the corner of the property near Litman Road causing a site issue getting on to Route 8.

Public Works Director Meeder reported on the Road Department's work during the recent snow event.

Solicitor Black had nothing to report.

Engineer Deiseroth had nothing to report.

Zoning Officer Hines had nothing to report.

Manager Knights had nothing to report.

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

Zoning Officer Hines presented the 2015 International Fire Code Ordinance for adoption.

Motion by Commis. Vero adopting Ordinance No. 908, the 2015 International Fire Code. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented information on the Butler Eye Care Land Development. The referenced Land Development Plan is located along Evans City Road in the C-2 (Convenience Commercial) Zoned District.

Rich Craft, 171 Shrader Grove Road, Freeport, PA of Olsen Craft & Associates, presented additional information on the plan. The plan proposes the construction of a two-story, 4,410 s.f. optometrist and office building, parking area, and associated infrastructure. The development will be right-in and right-out only. The plan will be going before the Zoning Hearing Board in February seeking a Special Exception for a Comparable Use Not Specifically Listed. Questions were taken from the Board.

Zoning Officer Hines explained that Penn Dot permits the right-in and right-out only designation for this plan. He stated that the Planning Commission recommended approval contingent upon items listed in Gateway's review letter dated January 3, 2019. Given that this plan has not gone before the Zoning Hearing Board and that there are still some outstanding items listed in the review letter, he recommends tabling the plan until the February meeting.

Engineer Deiseroth commented that one of the outstanding items is an easement for grading. The grading for the plan will flow into the neighboring property, so an easement will be necessary and at this time has not been recorded. He also recommended tabling the plan until the outstanding items are addressed.

Motion by Commis. Vero to table the Butler Eye Care Land Development. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request for the release of the Burger King Letter of Credit in the amount of \$200,530.00, contingent upon the developer posting an 18-Month Maintenance Bond in the amount of \$27,345.00.

Engineer Deiseroth had no outstanding comments and recommended release of the bond.

Motion by Commis. Vero to release the Burger King Letter of Credit in the amount of \$200,530.00, contingent upon the developer posting an 18-Month Maintenance Bond in the amount of \$27,345.00. Seconded by Commis. Wiest. The vote was Vero: Yes; 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 5R Maintenance Bond in the amount of \$44,912.67. The Township has received a letter from Senate Engineering stating that there are no outstanding issues and the bond can be released.

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

Zoning Officer Hines presented his request for Regulations Inspector Jim Sproat and himself to attend a presentation on the Guide to the 2018 International Property Maintenance Code on January 29, 2019 at a cost of \$125.00 each, with lunch included.

Motion by Commis. Vero to authorize the attendance of Jesse Hines and Jim Sproat to a presentation on the Guide to the 2018 International Property Maintenance Code on January 29, 2019 at a cost of \$125.00 each. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented his request for Regulations Inspector Sproat and himself to attend a presentation on the Transition to the 2015 IRC on February 21, 2019 at a cost of \$50.00 each, with lunch provided.

Motion by Commis. Vero to authorize the attendance of Jesse Hines and Jim Sproat to a presentation on the Transition to the 2015 IRC on February 21, 2019 at a cost of \$50.00 each. Seconded by Commis. Zurzolo. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request to appoint Chuck Smith as the primary Sewage Enforcement Officer and Norm George as the alternate Sewage Enforcement Officer for Butler Township for 2019.

Motion by Commis. Vero to appoint Chuck Smith as Butler Township's Sewage Enforcement Officer (SEO). Seconded by Commis. Wiest. Commis. Lokhaiser asked how many times per year is the SEO called out and what is the fee. Zoning Officer Hines stated that the SEO is used a couple times per year and there are different rates dependent on the type of system. The fee for the standard sand mount system is \$960.00 which covers from initial testing to final approval. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Motion by Commis. Vero to appoint Norm George as Butler Township's Alternate Sewage Enforcement Officer. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request to reappoint Greg Haughey to the Zoning Hearing Board for a 3-year term to expire January 2022. Mr. Haughey has been on the Board for over twenty years and has submitted a written request seeking reappointment.

Motion by Commis. Vero to reappoint Greg Haughey to the Zoning Hearing Board for a 3-year term to expire January 2022. Seconded by Commis. Zurzolo. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the request to reappoint Joe Gray as the Zoning Hearing Board alternate for a 3-year term to expire January 2022. Mr. Gray has submitted a written request seeking reappointment.

Motion by Commis. Vero to reappoint Joe Gray as the Zoning Hearing Board alternate for a 3-year term to expire January 2022. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Manager Knights presented information on a possible glass recycling agreement with CAP Glass. He has also been in contact with Butler County discussing the possibility of having a shared agreement through CAP Glass. He stated that he was hoping to have an agreement to present to the Board at tonight's meeting but he was not able to get anything concrete to present. He anticipates having something to present at the February meeting.

PUBLIC HEARING – 7:00 P.M. – Sheetz Liquor License Transfer

Solicitor Black noted that it is now 7:00 p.m. It is the time and place set forth for the Public Hearing for the purpose of hearing testimony and public comment regarding the request by Sheetz, Inc., for approval of an inter-municipal transfer of Restaurant Liquor License. The request was introduced at a prior meeting and was duly advertised on January 4th and January 13th in the Butler Eagle. A court reporter is present for the proceedings. Anyone who wished to speak or testify on this matter was sworn in.

Ellen Freeman, attorney with Flaherty & O'Hara, representing Sheetz, Inc. presented the request for a resolution which would permit an inter-municipal transfer of a liquor license currently located outside of the municipality due to the fact that there are no restaurant liquor licenses or eating place liquor licenses available in Butler Township. The license will be coming from Center Township. The license would be used at an existing Sheetz store at 1100 Center Avenue. The standard of review for the Board of Commissioners is to determine

whether or not Sheetz operating a liquor license within the Township would be a detriment to the health, welfare, peace and morals of the municipality.

END HEARING – 7:13 P.M.

Solicitor Black turned the meeting back over to the Board of Commissioners for a decision. She reminded everyone that the Board will be deciding on whether or not the Township would permit the transfer of the license into the Township. The PA Liquor Control Board (LCB) has final authority on whether or not to grant the liquor license. The PA LCB would also be responsible for monitoring the establishment. She also noted that the decision of the Board must be based on the effect of the transfer on the general welfare of the residents of the Township. If they do not see it as posing a detriment to the residents, they are advised to vote in favor of the transfer.

Motion by Commis. Vero to pass Resolution 19-01, authorizing the transfer of Restaurant Liquor License No. R-21358 from Center Township into Butler Township for the Sheetz located at 1100 Center Avenue. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Manager Knights presented the Fire Administrator Job Description for approval and requested authorization to advertise the position. The position will start out as a part-time position.

Motion by Commis. Lokhaiser to approve the Fire Administrator Job Description, as presented and authorize advertising for the position. Seconded by Commis. Vero. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Manager Knights reviewed the bills report and the following totals were noted: General Fund - \$193,546.61; Highway Aid Fund - \$12,052.91; Park Development Fund - \$300.00; General Fund (added after December Bills Report) - \$185,365.11; Payroll Fund (prior month) - \$259,067.47.

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

Manager Knights presented a letter from Darlene Snyder, 154 Andlers Lane, in regards to the new solid waste contract.

Manager Knights presented a letter from the Butler Area Public Library thanking the Township for their donation to the library.

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

Edward Kirkwood, 3206 Tudor Drive, presented questions in regards to the new solid waste contract.

Alberta Stockard, 206 Pinewood Drive, commented on the size of the new trash carts and the new solid waste contract.

Tammy Dumbaugh, 508 Whitestown Road, commented on the condition of Whitestown Road and asked the Township for assistance in getting it fixed.

Bob Newcaster, 1501 Stoneridge Blvd., asked for information on how to sign up for the smaller trash carts. He was advised to contact the Administration Office to sign up for the smaller carts.

Silvia Mann, 125 Bon Aire Drive, commented on the new solid waste contract and the size of the carts.

Kathleen Treme, 107 Stoneridge Blvd., asked for clarification on the ability to get smaller carts.

Marianne Malis, 411 Kerry Drive, commented on the new solid waste contract and the need for smaller carts.

Tammy Dumbaugh, 508 Whitestown Road, commented on the new solid waste contract.

Jim Snow, 231 Acre Avenue, commented on the new solid waste contract and glass recycling and the need for smaller carts.

Bill Swanson, 217 Whitestown Road, asked for an exemption from the solid waste contract due to his location. He was advised that he could not be exempted but accommodations would be made so that his trash could be picked up without undue hardship.

Edward Kirkwood, 3206 Tudor Drive, asked about the amount of the trash service designated for senior citizens according to the contract.

Mark Krenitski, 139 Winterwood Drive, asked if there was an additional fee for large items to be disposed of through Waste Management. There is an additional fee for large items.

William Robinson, 111 Aubrey Drive, announced his candidacy for Judge in the Court of Common Pleas. He also asked if Waste Management would take the old recycle bins. He was advised to put the old bin out with his recycles and it will be taken.

Tom Breth, 405 Belmont Road, announced his candidacy for Judge in the Court of Common Pleas.

Questions were taken from the media.

Motion was made by Commis. Wiest to adjourn the meeting to Executive Session on Personnel matters at 8:22 p.m. Seconded by Commis. Lokhaiser and carried unanimously. The Board will not reconvene.

Theresa Giesler