

BUFFALO TWP. SUPERVISORS – REGULAR MONTHLY MEETING – FEB. 14, 2018

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, February 14, 2018, in the Buffalo Township Municipal Building and convened at 7:35 p.m. The Meeting was called to order by the Chairman, Ron Zampogna. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

ROLL CALL

John Zurisko	Present
Ron Zampogna III	Present
Matthew J. Sweeny	Present
Albert T. Roenigk	Present
Gary L. Risch, Sr.	Present

A majority of the Board of Supervisors being present, the Chairman declared the Meeting open for the transaction of business.

ANNOUNCEMENT OF EXECUTIVE SESSIONS; PERSONNEL; AND/OR INFO-GATHERING MEETINGS OF THE BOARD

- (a) The Board of Supervisors met with their Solicitor this evening in the Township Municipal Bldg.
- (b) John Zurisko attended the Planning Commission Meeting on January 3.
- (c) John Zurisko attended the Municipal Code Association Reorganization/Regular Meeting on January 11.
- (d) Ron Zampogna, Gary Risch, Albert Roenigk, Matt Sweeny, and John Zurisko attended the Planning Commission Meeting on February 7.

APPROVAL OF THE MINUTES of the January 2, 2018, Reorganization Meeting and the January 2, 2018, Regular Monthly Meeting of the Buffalo Township Board of Supervisors, as recorded, was on motion of Matt Sweeny, seconded by John Zurisko. Motion Carried. Un. Approval.

OLD BUSINESS

THE 2017 VETERANS DAY RACE WAS A SUCCESS

The race raised a total net income of \$1,814.00. There will be a four way distribution of the net race income. Sarver VFC, Buffalo VFC, Heroes Supporting Heroes, and FOBT will each receive \$453.50.

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NEW BUSINESS

IRS MILEAGE RATE INCREASE

The IRS increased the mileage rate for 2018 from 53.5 cents per mile to 54.5 cents per mile.

APPROVAL TO SEND DELEGATE TO STATE CONVENTION

On motion of Matt Sweeny, seconded by John Zurisko, to approve sending Gary Risch as a delegate to the State Convention in Hershey from April 22 – 25, 2018. Motion Carried. Un. Approval.

4TH BOND REDUCTION FOR TWIN OAKS PRD – APPROVED

Ken Howard stated we have received invoices from John Allen requesting a bond reduction in the amount of \$245,243.02. He explained what this is for. We reviewed the submittal and inspected the site. We recommend that you approve that reduction.

On motion of John Zurisko, seconded by Matt Sweeny, to approve the 4th Bond Reduction Request from the John Allen Family Trust for the Twin Oaks PRD in the amount of \$245,243.02. Motion Carried. Un. Approval.

2ND PAYMENT REQUEST FOR TWIN OAKS DEVELOPMENT, INVOICE #2, BETWEEN BUFFALO TOWNSHIP, MABT, R & W ESTATES, LLC AND FIRST NATIONAL BANK – RETROACTIVELY APPROVED

Ken Howard stated this was for work that was performed on Municipal Authority pipe lines. The Municipal Authority has agreed to allow this money to be reduced in their bond. They need us to agree to the reduction. We recommend the bond reduction in the amount of \$29,297.00.

On motion of Albert Roenigk, seconded by Matt Sweeny to retroactively approve the 2nd payment request for the Twin Oaks Development, Invoice #2, in the amount of \$29,297.00 between Buffalo Township, Municipal Authority of Buffalo Township, R & W Estates, LLC, and First National Bank. Motion Carried. Un. Approval.

PENN ENERGY RESOURCES EMERGENCY RESPONSE TRAINING

Penn Energy Resources Emergency Response Training will be held on Tuesday, February 27, 2018 at the Saxonburg Fire Hall from 6 – 9 p.m. Township Supervisors and Township Emergency Management Coordinators are invited to attend.

3RD PAYMENT REQUEST FOR TWIN OAKS DEVELOPMENT, INVOICE #3, BETWEEN BUFFALO TOWNSHIP, MABT, R & W ESTATES LLC, AND FIRST NATIONAL BANK – APPROVED

Ken Howard stated we would recommend approval of this. This is Municipal Authority pipe line work that has been approved by the Municipal Authority.

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On motion of Gary Risch, seconded by John Zurisko, to approve the 3rd payment request for the Twin Oaks Development, Invoice #3, in the amount of \$54,431.00 between Buffalo Township, Municipal Authority of Buffalo Township, R & W Estates, LLC, and First National Bank. Motion Carried. Un. Approval.

APPROVAL TO APPLY FOR BUTLER COUNTY GRANT

The Butler County Commissioners have set aside funds in the 2018 County Budget to aid local governments in the renovation/development of local recreation areas. A Grant Application will need to be completed and sent to the Butler County Parks and Recreation Commission for funding consideration.

Ron Zampogna stated this Grant would be used for the Trail if we have a use for it. He asked Chris Ziegler, President Butler-Freeport Trail Council, if this is something we should go after? Chris Ziegler answered yes and suggested uses for the Grant. Ron Zampogna stated it is a \$10,000 Grant with a 25 percent match. The deadline is no later than May 18, 2018. Chris Ziegler stated the Trail Council would provide the match. Ron Zampogna asked Ken Howard and Chris Ziegler if they could help with the Grant? They both agreed.

On motion of Matt Sweeny, seconded by Gary Risch, to apply for this Grant. Motion Carried. Un. Approval.

LETTER OF REQUEST FOR JOINT FREEPORT SCOUT TRAIL CLEAN UP DAY TENTATIVELY SCHEDULED FOR APRIL 22, 2018 – APPROVED WITH CONTINGENCY

Matt Sweeny stated they approached me about this. We also discussed having a waiver. I think this should be contingent on a waiver that will be drawn up. Atty. Lutz stated we have done this in the past; I can find one.

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve the letter of request contingent on getting a waiver being drawn up by Attorney Lutz and signed from William Knetz for the joint Freeport Scout Trail Clean Up Day tentatively scheduled for April 22, 2018. This is permission to clean up the Trail between Sarver Road and Freeport. They are also requesting Freeport, Sarver, and Buffalo Township VFD's to help provide safety for the scouts. Motion Carried. Un. Approval.

LETTER OF REQUEST FROM THE ZION UNITED METHODIST CHURCH FOR LYME DISEASE AWARENESS RUN AND WALK ON MAY 5, 2018 – APPROVED WITH CONTINGENCY

On motion of Matt Sweeny, seconded by Gary Risch, to approve the letter of request contingent on getting a waiver signed from Taylor Edwards for the Zion United Methodist Church's Lyme Disease Awareness Two Mile Run and Walk on Saturday, May 5, 2018 at 9 a.m. on the Butler-Freeport Trail. Motion Carried. Un. Approval.

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John Haven, Primrose Drive, commented on a waiver that he has. Atty. Lutz stated we did one years ago. John Haven commented on the Grant.

LETTER OF REQUEST FROM KRISTINE DONALDSON, MANAGER, MUNICIPAL AUTHORITY OF BUFFALO TOWNSHIP – APPROVED

Kristine Donaldson stated we are applying for a \$500,000 Grant to extend water service in Buffalo Township. We need to have a letter of support from you as part of the Grant Application. We already received a letter from the Planning Commission. Ken Howard stated we recommend that you give them a letter of support.

On motion of Albert Roenigk, seconded by Matt Sweeny, to approve the letter of request from Kristine Donaldson, Manager, Municipal Authority of Buffalo Township, regarding a Grant. They will be applying for the Grant to extend public water service in Buffalo Township. Motion Carried. Un. Approval.

ANNOUNCEMENT: NEXT WORKSHOP WILL BE HELD WEDNESDAY, MARCH 7, AT 6:30 P.M. PRIOR TO THE PLANNING COMMISSION MEETING

PROPOSAL FROM ASTS FOR NEW PHONE SYSTEM, MICROPHONE SYSTEM, AND SECURITY CAMERAS – DISCUSSION

Ron Zampogna stated we have some equipment in this building and this room that may be outdated according to today's industry standards. We have talked about possibly upgrading the system. Gary Risch stated I don't know much about the new phone system. I think we should wait and see what Janice says about the phone system. Rhonda Swartz stated from what I understand is that if something would happen to our phone system, it is obsolete so we would have to replace it if anything happened to even one of the phones. Gary Risch stated Janice told me that she was here for 27 years and the phones were here when she came. None of the microphones work. My Mother bought them in 1979. The new system would all be in the back room; there would be a microphone hanging down at the podium. It would have a recording system to help do the minutes. Tim was requesting a couple of extra cameras. Ron Zampogna stated we will talk about this at the next meeting.

LETTER FROM FEMA ABOUT FLOOD PLAIN – DISCUSSION

Ken Howard stated FEMA has sent you a letter setting forth dates that they will be adopting the map. It will be on August 2, 2018. They have asked us to have our Ordinance in place. You took action over a year ago to adopt a new Flood Plain Ordinance. We have been waiting for FEMA to make the map official. There will be a meeting in Butler where they will present the last round of facts. We will plan to attend that meeting to get that information.

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LETTER OF REQUEST FROM CHURCH OF LATTER DAY SAINTS FOR CLEANUP DAY ON BUTLER-FREEPORT TRAIL – DATE AND TIME TO BE DETERMINED – DISCUSSION ONLY

A letter was received from Dwight McCombs, Church of Latter Day Saints, to have a cleanup day on the Butler-Freeport Trail with the date and time to be determined. Ron Zampogna stated this is a large group that want to help with clean up on the Trail. We think that this is a great idea as long as they get it coordinated correctly and get the waiver in place. He had talked about 175 people volunteering and helping. I think they will need to do some coordinating. Matt Sweeny stated I don't think we need to make a motion until we get a date from them and then we can schedule and plan it. Terry Tague, Parks and Recreation Committee, stated they will be cleaning up ditches and basins. Ron Zampogna asked what would they do with the debris? Terry Tague answered it is natural debris; they could put in the woods. It is not litter. Albert Roenigk asked would that be for the whole length of the Trail? Terry Tague answered no. Ron Zampogna read the email from Terry Tague. Terry Tague read the letter from the Parks and Recreation Committee. Ron Zampogna stated I think it is a great idea. It is a lot of people and is going to take a lot of coordination from all of the groups. Chris Ziegler explained what could be done. Renee Alchier stated the Audubon Society is having a cleanup day at Todd on Saturday, April 21. If you want to split the group, we are reaching out for volunteers. Terry Tague stated I would like to talk with you about that. John Haven commented on things needing attention on the Trail. Terry Tague stated they are thinking about early May. Ron Zampogna told Terry to talk with Chris or myself. Whatever it takes we will help out with whatever.

Gary Risch asked do you have any updates on the park? Renee Alchier answered no; we have a name for it. Ken Howard stated the Audubon is trying to schedule another get together with DEP to discuss permits that are needed.

APPOINTMENT TO PARKS AND RECREATION COMMITTEE

Terry Tague stated he is a nice young guy with a young family. He is a Coach with the Freeport Little League. He would be a good addition to our committee.

On motion of Matt Sweeny, seconded by John Zurisko, to appoint Craig Rinaman to the Parks and Recreation Committee. Motion Carried. Un. Approval.

WAIVER FOR REQUESTING USE OF BUTLER-FREEPORT TRAIL

Ron Zampogna stated Atty. Lutz will handle this.

OIL & GAS LEASE APPROVED WITH CONTINGENCY

Atty. Lutz stated I have been negotiating with XTO; they are drilling at the Buffalo Valley Golf Course. They are interested in signing an Oil & Gas Lease for a little over five acres of the Shuster Property. It will be for \$1500 per acre for a five year lease with a five year renewal. An option would be

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15 percent royalties with deductions or 12 ½ percent without deductions. My recommendation would be to go with the 12 ½ percent. There are some corrections that have to be made. You could approve this tonight subject to my final approval. There will be no surface operations. Ron Zampogna asked it would be \$1500 an acre and you are recommending that we take the 12 ½ percent without deductions? Atty. Lutz answered correct. Terry Tague asked there will be no disturbance of the surface at all? Atty. Lutz answered correct. It is only a five acre parcel; they will be on the Buffalo Valley Property.

On motion of Matt Sweeny, seconded by Gary Risch, to approve the Oil & Gas Lease with XTO for a little over five acres of the Shuster Property for \$1500 per acre with a 12 ½ % royalties without deductions contingent on Atty. Larry Lutz's final approval of the Oil & Gas Lease. Motion Carried. Un. Approval.

LAND DEVELOPMENT

F & M CHAMPION TRAINING CENTER (FLO'S GYM) ADDITION – SITE PLAN – EKASTOWN ROAD – APPROVED

The F & M Training Center, LLC, is proposing an addition to their existing building located on Ekastown Road. The existing building is a total of 9,174 square feet. The proposed addition will be a total of 6,437 square feet.

The township office has received the Site Plan Drawing, Site Plan Filing Fee, Butler County Planning Commission comments (BCPC did not review information pertaining to Storm Water. This plan requires a Storm Water Management Site Plan as per PA Act 167 Local Ordinance. BCPC did not have any comments on this Plan as per letter received on 8/21/17), Municipal Authority Comments (MABT does not have public water service available to this area. Public sewer does exist and is currently furnished to this property. The proposed project should have no impact to our facilities as per letter received on 12/1/17), Twp. Engineer comments (letters received via email on 1/3/18 and 1/5/18), and Twp. Planning Commission comments (favorable recommendation contingent on complying with Twp. Engineer's letter dated 1/3/18).

Ken Howard stated we worked with the Engineer from F & M Training Center. They have satisfied all of our Ordinance Requirements. We recommend approval of their plan.

On motion of John Zurisko, seconded by Albert Roenigk, to approve F & M Champion Training Center, LLC (Flo's Gymnastics) Addition Site Plan located on Ekastown Road. Motion Carried. Un. Approval.

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JOHN M. ALLEN JR. FAMILY TRUST – TWIN OAKS PRD #1 – AMENDMENT – WITHDRAWN BY APPLICANT

Victor-Wetzel Associates are requesting an Amendment to the Grant of Tentative Approval and Conditional Use for Twin Oaks PRD #1, so as to revise the side yard setback from 10' to 9'. The PRD requirements in the Buffalo Township Zoning Ordinance do not specify a dimension for the side yard setback. As part of the Twin Oaks PRD #1 approval, they established a side yard setback of 10'. By this request, they are proposing to reduce the side yard setback by 1', thereby creating a new yard setback of 9'. As there will not be any changes to the design, layout and engineering required for this amendment, they have not submitted any plans as part of this request.

The township office has received Twp. Engineer's comments (see letter dated 2/7/18) and Twp. Planning Commission comments (unfavorable recommendation as per 2/7/18 meeting minutes).

Steven Victor, Victor-Wetzel Associates, stated the lots were laid out exactly 60' wide; the houses will be 40' wide. They are off by a few inches. We would like to amend the setback from 10' to 9'. This would require a Public Hearing and an Amendment to the PRD. Ken Howard has written a letter and the Planning Commission is not in favor of this. I have done further research in the public safety issue. I am not sure there is a public safety issue; this is addressed in the National Building Code. The Building Code allows you to build at zero feet and commented on the standards in the Building Code. We are prepared to ask you as to which direction you would like us to go. You could change the setback requirements from 10' to 9'. The other option would be for you to tell us right now that you are not interested. We would go back and amend the lot lines; we would shift them around. To do so would require us to submit an amended subdivision plat. Our Engineer would have to prepare that plat. That would cost us roughly \$10,000. If you could tell me which way, you would like me to go? Albert Roenigk asked at the Planning Commission Meeting, you were thinking there wouldn't be that many 40' houses? Steven Victor answered I am going to retract that statement because following that meeting I went back to Ryan Homes and said to them I want to calculate what percentage of the homes will be 40'. They said 100% of the lots. At this point we have to anticipate that every house will be 40'. Ron Zampogna stated based on your presentation at the Planning Commission Meeting, has it been posed to Ryan Homes to alter the size of the homes? Steven Victor answered they have a system. Everything is manufactured off site. Atty. Lutz stated the setback lines in our Ordinance and the MPC require 20 feet between buildings. Albert Roenigk stated the reason the 10' to me is necessary is because people build fences and plant trees and shrubs. You won't be able to get between houses. Atty. Lutz commented on 517.4 Space Between Buildings. Steven Victor stated we will send a letter to withdraw our conditional use application tomorrow. We will proceed to have our Engineer draft the lot line revision. Steven Victor stated I am formally withdrawing this tonight; I will follow up with a letter tomorrow.

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REMARKS FROM THE FLOOR

Chris Ziegler commented on what was voted on at the last Trail Council Meeting. Half registration is open; there are 20 registered. We took care of 6 trees that have fallen. A bunch of wood was picked up. I would like to request that we only horses in designated areas at this time and not have any at this time of year because it is too wet. Maybe in the summer or when it is dry, we can have designated areas. The way the Trail is right now; they shouldn't be allowed on it. Ron Zampogna asked what is the unwritten rule in regard to the horses? Chris Ziegler answered they are not allowed on the paved Trail surface. We say designated areas. Ron Zampogna stated I am not against horses or animals by any means; but to me with all of the time and money put into the Trail, it doesn't make any sense to let a one ton animal beat up the Trail. Chris Ziegler stated in the summer when it is dry it is a completely different story. This time of year it is a problem. Matt Sweeny asked what do you think the best answer is? Not have any until a certain date or not have any at all? Chris Ziegler answered you could only allow horses in designated areas and have people check the website for designated areas or for how wet the weather is. Matt Sweeny stated if we are going to allow them that would be a good way to handle it. Are people not cleaning up after their animals on the Trail? Chris Ziegler answered the clean up doesn't bother me. Ron Zampogna asked how do we go about designating a time or area? Chris Ziegler answered we have some Trailhead Signs with the rules. We could change the rules on there; check the website. Atty. Lutz stated it is an issue. Gary Risch asked what percentage of horses compared to humans? John Haven answered there are only 4 or 5 horses that I know of. Gary Risch asked why don't we just ban them all together? Matt Sweeny asked how much backlash would we get if we did that? Chris Ziegler stated there has to be a standard. Who do we call for enforcement? Atty. Lutz answered you could say that is not permitted. If they do it, write a letter and issue some type of citation. Chief Tim Derringer stated we do enforcement in the township boundaries, not outside of Buffalo Township. Gary Risch made a motion to ban horses from the Trail. The motion was not seconded. Albert Roenigk stated I know that when the Trail was being done they were some of our best supporters. Atty. Lutz asked has anybody photographed the damage? John Haven answered I did and explained. Chris Ziegler commented on what could be modified. Matt Sweeny stated could we hold off on a motion until we do a little research and do something at the next meeting? Atty. Lutz answered why don't we do that; we are going to have to amend the signs and draft a policy.

ADJOURNMENT was on motion of Gary Risch, seconded by John Zurisko, at 8:30 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY