

BUFFALO TWP. SUPERVISORS – REGULAR MONTHLY MEETING – APRIL 11, 2018

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, April 11, 2018, in the Buffalo Township Municipal Building and convened at 7:30 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) Gary Risch and John Zurisko attended the Planning Commission Meeting on April 4 in the Township Municipal Bldg.
- (c) Ron Zampogna, Gary Risch, Ken Howard, and Ian Harrell visited the property on Edgewood Drive adjacent to the Village of Sarver’s Mill on April 6.
- (d) The Board of Supervisors and John Gaydos held the annual Road Tour on April 7.

APPROVAL OF THE MINUTES of the March 14, 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.

ACCEPTANCE OF THE TREASURER’S REPORT

Acceptance of the Treasurer’s Report for March 1 – 31, 2018, inclusive for audit, was on motion of John Zurisko, seconded by Matt Sweeny. Motion Carried. Un. Approval.

MONTHLY BILLS

After reviewing invoices and bills presented for payment, it was on motion of Matt Sweeny, seconded Albert Roenigk to pay the monthly bills. Motion Carried. Un. Approval.

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REPORTS

- (1) THE ELECTED TAX COLLECTOR'S REPORT** received from Carla Garia for March 2018 is \$108,920.59 in Twp. Real Estate Tax @ discount; \$16,542.40 in Per Capita @ discount; and \$33.00 in Per Capita @ penalty
- (2) THE APPOINTED TAX COLLECTOR'S REPORT** received from Berkheimer Tax Administrator for March 2018 is \$123,425.40 in Earned Income Tax and \$159.36 in Local Services Tax
- (3) THE APPOINTED TAX COLLECTOR'S REPORT** from Sharp Collections for March 2018 is \$323.00 in Delinquent Earned Income Tax
- (4) WEEKLY REALTY STAMP SALES** received from the County for March 2018 is \$15,100.32
- (5) THE ZONING OFFICER'S REPORT** for March 2018 is for 29 total permits issued; 9 Single Family Residences, 1 Residential Storage, 1 Residential Garage, 1 Sign, 3 Pools, 1 Deck/Porch/Roof, and 13 Grading Permits
Building Permit Fee: \$9,445.45 Mileage: 180 Miles
Grading Permit Fee: \$890.00 Lot Development Fund: \$5,160.65
- (6) DISTRICT JUSTICE'S REPORT** for February 2018 included \$216.59 in Ordinance & Statute Violations and \$615.07 in Vehicle Code Violations

OLD BUSINESS:

HORSES ON BUTLER-FREEPORT COMMUNITY TRAIL

Atty. Lutz stated at the last meeting somebody made a motion to prohibit having horses on the Trail. It is already in effect; there is nothing to do tonight. It was already taken care of. Are the signs up? Debbie Sweetnam, Sarver Road, representing the Trail Council stated that Chris Ziegler, President of Trail Council thought you were going to vote on it today. Atty. Lutz stated get the signs up. Someone in the audience asked we can't ride on the Trail anymore? Atty. Lutz answered correct. She asked why is that? Atty. Lutz answered there were safety concerns and damage concerns for the Trail and explained. She stated I have been riding on the Trail for 17 years and explained what she does when it rains. Atty. Lutz stated people have been here and we have received letters about the problems; that was the decision of the Board. She stated I am one of the people who ride on the Trail and I stay on the side; there is no place for people to ride anymore. Atty. Lutz stated unfortunately you are going to have to find some place other than the Trail because that was the decision that the Board made.

DETERIORATING GAZEBO'S CONTAINING MAILBOXES IN WOODBURY ESTATES – DISCUSSION

Atty. Lutz stated we did look into that. They are primarily on township adopted roads. Some are half on private property and half on a private road. There isn't a Homeowners' Association in Woodbury Estates. Atty. Robert Zanella, from my office, contacted the Post Office; they indicated that since there isn't a Homeowners' Association they would take care of it. That is where it is. We don't know what they will do. Raymond Smith, 206 Crestwood Drive, Jim Zingaro, 203 Crestwood Drive, and Gilbert Gorski, 200 Crestwood Drive stated the Post Office told them they would repair the metal boxes

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but would not do anything about the structure. What point does the township condemn this structure? Atty. Lutz stated we could take that action with the permission of the property owner. A little bit of it is on your property. Atty. Lutz stated we can have someone from our Engineering Firm check the structure to see if it is dangerous. Albert Roenigk stated we looked at it on Saturday; the gazebo doesn't have to be there. Matt Sweeny stated we will see what the Post Office is going to do and see what they suggest. Atty. Lutz told the residents to come back to the June Meeting.

WATER DRAINAGE ISSUE ON OAK DRIVE – DISCUSSION

Ken Howard stated I did take a look at that site with the landowner. There is an old manhole structure. The house is under construction at this time. The water is coming out at 117 Oak Drive. I am not sure what the solution is. It looks like it is an old sanitary sewer system. There is not an easy fix. If there would be a sink hole in our street, we would have to dig down and repair it so the street doesn't deteriorate. Matt Sweeny asked so all of that is on private property? Ken Howard answered the manhole structure and lines are on private property. Matt Sweeny asked so the responsibility would fall on the landowners in that area? Ken Howard answered that would be a question for Larry. Ken Howard stated this was the sanitary sewer system before the public sewers went in and explained. Albert Roenigk asked that is stormwater? Ken Howard answered it appears to be clear water; it does not have an odor. Albert Roenigk stated we have storm sewers on the streets. Ken Howard asked the resident how deep is the well in your yard. Michael Hart, 117 Oak Drive, answered I don't know. John Zurisko asked Ken Howard is there an outlet? Ken Howard stated I believe there must be. Michael Hart stated the only other problem I have is that this bisects the sewage line so at some point this could be a problem for rupturing your sewer line and then that becomes an environmental problem. Ken Howard stated if it crosses a sanitary line that is the Municipal Authority responsibility not the township. Michael Hart stated it becomes a township problem because it flows into Bear Creek. Matt Sweeny asked we don't have a say in this do we? Ken Howard stated we can't solve the problem; it is on private property. I am not sure if the Municipal Authority has a camera and they would be willing to camera their pipe to see if it is intact where it crosses the sewers. That might be one thing that they could look at. Kristine Donaldson, Municipal Authority Manager, stated we do have a camera. Michael Hart stated it is an issue and it is just going to get worse. Matt Sweeny stated we can't go on your private property; this is between property owners. Michael Hart stated he created more roofing into this; he can't do that; it is illegal. He tied it into an undocumented, unpermitted stormwater site. You can't pipe it from your house. Ken Howard stated it does appear that this neighbor just recently installed a new pipe into this manhole. If there is no permit, this is something that we can look into. Atty. Lutz stated if he didn't get a permit, the damages are his responsibility. We will find out for sure then I can send an appropriate letter. Michael Hart stated I want the problem solved. Ron Zampogna stated Roger Kelly will look into it and get back to us.

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NEW BUSINESS

APPROVAL TO ADVERTISE FOR ROAD REPAIR BIDS BY SUBCONTRACTORS

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve advertising for road repair bids by subcontractors. Motion Carried. Un. Approval.

APPROVAL FOR UNDATED USE OF FORCE POLICY FOR POLICE DEPARTMENT

Atty. Robert Zanella stated Chief Tim Derringer contacted me last week about the old, outdated, vague Use of Force Policy for the Police Department. We reviewed it and updated it and made sure everything was in compliance with the Pennsylvania Crimes Code. We went back and forth on it. Chief Derringer stated I am comfortable with that.

On motion of Gary Risch, seconded by John Zurisko, to approve the update Use of Force Policy for the Police Department. Motion Carried. Un. Approval.

BUFFALO TOWNSHIP POLICE DEPARTMENT WOULD LIKE TO THANK THE SARVER VETS for the \$1500 donation to purchase shotguns

Chief Tim Derringer stated we were approached by the Sarver Vets and given \$1500 to purchase shotguns for the Police Department. We previously only had one.

MUNICIPAL AUTHORITY APPROVED RELEASING MAINTENANCE BOND FOR CHESTERFIELD ESTATES PHASE III CONTINGENT ON BUFFALO TOWNSHIP ADOPTING THE ROADS – DISCUSSION

Ken Howard stated the township has not been asked to take over ownership of the roads as of this date. The construction of the houses needs to be done. The roads have been built according to your specs.

GRANDVIEW TANK PROJECT – DISCUSSION

Kristine Donaldson, Manager of the Municipal Authority of Buffalo Township, stated I am here tonight to notify you that we are moving forward with our capital improvement to the Grandview Tank. As you may recall, last year we had some issues with that tank. We applied for the permit. We are going to start isolating that tank from our system. We have a Contractor coming in on April 21 to do a washout of the tank. We hope to be back on line on April 30. During that time there will be some areas in our system that will have low pressure. I did notify those customers by letter. I also notified Sarver Volunteer Fire Department and Buffalo Township Volunteer Fire Department to let them know. She stated the customers who would be notified. There will also be information on our website.

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AGREEMENT WITH FREEPORT AREA SCHOOL DISTRICT – DISCUSSION

Ron Zampogna stated we were presented with a potential agreement from the School Director with regard to using the township grounds as a possible safe haven if there was ever a major issue on the school grounds. I don't know a lot about it; I turned it over to Atty. Lutz. He is going to contact the Solicitor for the School Board. Chief Tim Derringer stated I was at a meeting and the only place they have right now is the parking lot of the theater. Matt Sweeny asked is this for the use of the building or the parking lot? Chief Derringer answered everything. Eric Smith commented. Atty. Lutz stated I will look into this.

ANNOUNCEMENT PENN DOT PROJECT – VIDEO CAM BOXES ALONG RT. 356, BUFFALO TOWNSHIP

The cam boxes will be in 16 locations on various signal poles starting April 6 and will be removed on April 16, 2018. Ron Zampogna stated this is part of a Traffic Study. Gary Risch stated some of them have been taken down. Anyone with property on Rt. 356 got a letter.

APPROVAL FOR FREEPORT HIGH SCHOOL CROSS COUNTRY BOOSTERS TO HOLD 13TH ANNUAL FREEPORT FLASH 5K/10K RACE ON THE BUTLER-FREEPORT COMMUNITY TRAIL ON JUNE 2, 2018

They would like permission to use the former Oregon Club for registration and parking and are requesting EMT support and Police Department Traffic Control. Judy Fair, 194 Shrader Grove, Freeport, stated Rhonda gave me the Indemnification Agreement and the insurance requirements. I will have that back to you. Ron Zampogna asked do we know if the date conflicts with anything that is already scheduled? Rhonda Swartz answered I spoke with Chris Ziegler and she said nothing is going on that day. The Audubon doesn't have anything going on either.

On motion of Matt Sweeny, seconded by Gary Risch, to approve Freeport High School Cross Country Boosters to hold their 13th annual Freeport Flash 5K/10K Race on the Butler-Freeport Community Trail on June 2, 2018, contingent on the Indemnification Agreement and insurance requirements. Motion Carried. Un. Approval.

APPROVAL FOR STREET CLEANING

Ron Zampogna stated we have been discussing cleaning the streets throughout the township either by having the Road Crew and/or a Street Sweeper come in. It is still up for discussion. The Street Sweeper is approx. \$800 per day; we would need a motion to do it that way. If the Road Crew does it, it would be part of the work that they perform on a daily basis. They have done it in the past. If there is a more economical and reasonable way to get the street sweeping done, we could do it that way. Albert Roenigk stated why not do it both ways and we could find out. Matt Sweeny stated I agree.

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve hiring the Street Sweeper for up to five days @ \$800.00 per day. Motion Carried. Un. Approval. Ron Zampogna stated the Road Crew will be instructed to be cleaning roads as well.

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LAND DEVELOPMENT

STC TOWERS – HOWES RUN ROAD SITE – VERIZON WIRELESS CELLULAR COMMUNICATIONS TOWER – FLEMING ROAD – SITE PLAN – APPROVED WITH CONTINGENCY

STC Towers is proposing a Verizon Wireless Cellular Communications Tower located on a .22-acre parcel on Fleming Road. STC is leasing the property from Joseph and Linda Varos. A Conditional Use Hearing was held and was approved on March 8, 2017.

The township office has received Site Plan Drawing, Site Plan Filing Fee, Municipal Authority comments (letter received on 2/20/18), Twp. Engineer comments (letter dated 4/3/18), and Twp. Planning Commission comments (favorable recommendation contingent on complying with Twp. Engineer's Letter dated 4/3/18 as per 4/4/18 meeting minutes).

Ken Howard stated there were a few outstanding items at the Planning Commission Meeting last week. They needed revisions to their drawings; they have addressed most of our concerns. They were instructed by Atty. Charlton to draft a modification letter concerning planting bushes around the base of the tower since the property is surrounded by trees. We haven't received the letter. You could approve this with that condition.

On motion of Matt Sweeny, seconded by John Zurisko, to approve the STC Towers, Howes Run Road Site, Verizon Wireless Cellular Communications Tower on Fleming Road Site Plan contingent on STC Towers satisfying the Township Engineer's request. Motion Carried. Un. Approval.

R & W ESTATES, LLC AND NVR, INC. PLAN OF LOTS – LOT LINE REVISION – APPROVED WITH CONTINGENCY

Twin Oaks PRD was previously granted final approval. The Phase I Subdivision was recorded. Construction is currently underway and is expected to be completed by June 1, 2018. Ryan Homes, the builder in Twin Oaks, originally requested that the minimum lot width be 60 feet. They now need a 60.5-foot-wide area. They have adjusted the lot lines to create a 61-foot-wide minimum lot. The changes were made by slightly shifting the internal lot lines. These changes did not change the road right-of-way or cause any changes in the construction plans.

The township office has received Copy of the Plan, Lot Line Revision Filing Fee, Municipal Authority comments (the Municipal Authority has no formal comments regarding the Twin Oaks PRD Lot Line Revision as per letter received on 3/28/18), Twp. Engineer comments (letter dated 4/3/18), County Planning Commission comments (letter received on 3/2/118), and Twp. Planning Commission comments (favorable recommendation contingent on complying with Twp. Engineer's letter dated 4/3/18 as per 4/4/18 meeting minutes).

Ken Howard stated this Plan as presented last week at the Planning Commission Meeting needed a couple of dimensions revised. We did not receive any revised drawings. They are very minor

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details. I would recommend that we approve it contingent on getting the updated drawing. Ray Smetana, Chairman of the Planning Commission, asked do the new drawings need recorded? Ken Howard answered the revised drawings will need signed and recorded.

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve the R & W Estates, LLC and NVR, Inc. Plan of Lots Lot Line Revision contingent on them providing proper documentation for updated drawings to Bankson Engineers. Motion Carried. Un. Approval.

SARVER'S MILL MASTER PLAN REVISION 2 – APPROVED WITH CONTINGENCY

This Master Plan Revision is being submitted due to the extenuated subsurface conditions that were discovered during the construction of Phase 3B. The Meritage Group along with KU Resources, their Geotechnical Engineer, sampled 22 locations which included 3 original site borings, 2 geo probe test locations, and 7 excavated pits within the Phase 4 and Phase 5 areas and found unstable soils.

The Revised Master Plan as submitted in 2016 had 16 lots in Phase 4 and 26 lots in Phase 5. The Sarver's Mill Master Plan Revision 2 has 27 lots in Phase 4 and Phase 5 has 13 lots including a pool amenity; reducing the total number of lots by 12.

The township office has received the revised Master Plan, Municipal Authority comments (MABT has no formal comments regarding this plan as per letter received 3/28/18), Twp. Engineer's comments (letter received 4/3/18), and Twp. Planning Commission comments (favorable recommendation as per 4/4/18 meeting minutes).

Jim Rumbaugh stated we are here to answer any questions that you may have. I never want to come in and reduce the number of lots. The lots in Phase 3B cost us more money. As a Developer, it doesn't make much sense to continue along that path. We are proposing to add three acres to the open space to be given to the Homeowners' Association for a playground or park and reduce the number of lots. Atty. Lutz stated we are going to have to do another Amendment to the Developer's Agreement because you are reducing the number of lots. Jim Rumbaugh stated we agree with that. Atty. Lutz stated any approval will be contingent on amending the Developer's Agreement. Ken Howard stated we recommend that you could approve this as presented. Jim Rumbaugh stated I would like to thank everyone for their cooperation. I would like to get the revised Developer's Agreement as soon as possible.

On motion of Albert Roenigk, seconded by Matt Sweeny, to approve the Sarver's Mill Master Plan Revision 2 contingent on the amended Developer's Agreement. Motion Carried. Un. Approval.

SARVER'S MILL PHASE 4 REVISED – SUBDIVISION – APPROVED WITH CONTINGENCY

The proposed Sarver's Mill Phase 4 Revised Plan includes a revision of the 26 lots as recorded on September 7, 2017, in PBV 365 pages 44-45 in Sarver's Mill Phase 4 and the addition of one lot formerly

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of the Phase 5 Plan. These lots will be re-subdivided from Phase 4 and Sarver's Mill Residual Tract (Parcel E) for future development in the "R-2" Zoning District.

The infrastructure will include approx. 1,100 feet of roadway and waterline. The sanitary sewer will be an extension of the existing sanitary sewer within the Sarver's Mill Phase 2R and Phase 3B.

The township office has received the revised plan, filing fee, Municipal Authority comments (The Municipal Authority has no formal comments regarding this Plan. However, the Authority's Engineer is currently reviewing the revised plans for the Sarver's Mill Phase 4 and will forward any comments or approvals to the Developer's Engineer once they are available as per letter received on 3/28/18), Twp. Engineer comments (letter dated 4/3/18), and Twp. Planning Commission comments (favorable recommendation of Sarver's Mill Phase 4 Revised Subdivision contingent on receipt of all DEP Permits and Amendments and on complying with Twp. Engineer's letter dated 4/3/18 as per 4/4/18 meeting minutes).

Ken Howard stated we had a letter at last week's Planning Commission Meeting. Their Engineer has submitted to us revised drawings. We have been working with their Engineer closely; there are still a couple of minor items outstanding. I would recommend you approve this Plan contingent on the minor outstanding items being satisfied. Jim Rumbaugh thanked the staff.

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve the Sarver's Mill Phase 4 Subdivision contingent on the Meritage Group satisfying Twp. Engineer's request to update the Plan. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Debbie Sweetnam, Sarver Road, stated I am here on behalf of Butler-Freeport Trail Council. Chris Ziegler asked me to attend the meeting and give you an update. We are having a series of hikes on the Trail and explained when and where. There was a workday. She stated there was some damage to the railings and uprights on the Trail. The Boy Scouts will clean it up. She commented on purchases made by the Trail Council. She stated the Tredway Trail received a Grant to extend their Trail.

Curtis Taylor from Ryan Homes attended the meeting to ask about doing a few signs for the Twin Oaks Community. I attended the Planning Commission Meeting last week. There are two locations for the signs—one is located at Rt. 356 and Rt. 228 owned by Eric Smith and his family. I have gotten permission to place a sign there pending your approval. The other location is at Hepler Road and Rt. 228 owned by the Cliffords'. I have also gotten permission to place a sign there, pending review by the Board. Ron Zampogna asked how long would you like to have the signs up? Curtis Taylor answered our goal would be for the period that the community would be open for selling purposes so potential homebuyers could find the community. Matt Sweeny stated the signs could be up for ten years. Curtis Taylor stated hopefully not. Our goal is to sell between 25 – 30 houses a year; hopefully a four or five-year project.

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Roger Kelly commented. Curtis Taylor commented on putting up directional signs on Friday evening and taking down Sunday. Roger Kelly commented on the Ordinance and stated it is the Supervisors' call. Curtis Taylor stated we would do a mulch control bed and low-lying landscaping. Ray Smetana, Planning Commission Chairman, stated we told him to come to your meeting; it is not in compliance with our Ordinance. Personally, I think it would be helpful for them and the community. Ken Howard commented on real estate signs; this is a modification from what the Ordinance permits. Atty. Lutz read the definition of billboard; it is a billboard. I will have to check into this and take a closer look and talk with Atty. Charlton. Curtis Taylor stated if you would want something smaller, we could to make the sign smaller. Can I stop back at the next meeting? Ron Zampogna answered you could come to the meeting on the second Wednesday in May.

Patrick Shirey, 413 Edgewood Drive, stated I want to publicly thank Ken Howard, Gary Risch, and Ron Zampogna for coming to look at the hillside erosion. We realize we are not going to stop Phase 4 and what is going on there. We want to express our concern about the erosion and the future impact on the township and storm water management requirements. I am here as a concerned resident of the township. One of my concerns is whether in the Township Ordinance the streamside buffer applies here. It seems to make sense that the 75' buffer applies. One of our concerns is with the hillside eroding into Sarver's Run. This area is zoned Conservation. The township needs to start thinking about these issues. The MS4 requirements are coming. I wanted to publicly express that concern. The other issue is there was a covenant signed by the Developer that stipulates requirements in a Conservation Area. There is also a Drainage Covenant in that Agreement from 2008 with the Sarver Square Associates for the Village at Sarver's Mill Development. They may be in violation of their own Agreement. For future development especially in these areas that have sensitive slopes you have to take these things into consideration. I worked with Adams Township on their MS4 Requirements. Their five-year permit is going to cost them at least \$800,000 for restoration projects from stormwater. It is a lot easier to prevent problems before they happen than to pay someone. This affects me as a taxpayer and a landowner. I would like to publicly recognize the challenges that we are facing. Atty. Lutz stated I will take a look at the Agreement.

Vicki Hoffman, Bear Creek Road, asked about the status of the EMS Building? Atty. Lutz answered we just got a court order today. We are the Conservator and it is our duty to sell it to the highest bidder that we received. He explained the process. We don't have an exact date yet. We might be getting a date. We will be ready to close.

Vicki Hoffman asked about tax relief for Firefighters? Matt Sweeny stated we have to check to see the applicable amount. If something can be done I would project something will be done. We need to get more details on it. Ray Smetana stated we want to try and get all of the Ordinances done at the same time. Atty. Lutz stated we will advertise once.

Judy Jackson, Parker Road, asked is the township being sued over the Hibiscus? Atty. Lutz answered there is an ongoing lawsuit.

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ADJOURNMENT was on motion of Gary Risch, seconded by John Zurisko, at 8:44 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY