

**BUFFALO TWP. SUPERVISORS – REGULAR MONTHLY MEETING – MAY 9, 2018**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, May 9, 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.

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**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) Albert Roenigk attended the Penn Dot Public Officials Meeting in Harmarville on April 20 regarding the Route 28 Project.
- (c) Gary Risch attended the PSATS Conference in Hershey, PA April 22 – 25.
- (d) John Zurisko attended the Planning Commission Meeting on May 2.

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**APPROVAL OF THE MINUTES** of the April 11, 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 April 1 – 30, 2018, inclusive for audit, was on motion of John Zurisko, seconded by Albert Roenigk. Motion Carried. Un. Approval.

**MONTHLY BILLS**

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



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control. You don't have to swear in here. If anybody is going to swear, that is going to be the end of it. Angie Kline commented about divots on the Trail and apologized for the language.

Stacy Mettler stated I own Babcock Stables. I live on Old Babcock Boulevard in Gibsonia. I have been in this position several times. We had bikers try to ban horses out of North Park. We went and talked to the Administrator of North Park County Park Systems. As equestrians we are property owners, taxpayers, and economy supporters. We buy horses, trucks, trailers, tires, gasoline, tractors, quads. We support the hay farmers; we support the grain companies. I have 25 horses that I take care of. As an equestrian I love to load up my horses and explore Pennsylvania but when townships or counties allow other hobby people to take preference over another hobby person that isn't fair especially when these accusations are false. We are also in Richland Park in Richland Township south of Butler. We had birdwatchers from the Audubon Society saying that we were destroying the park. She stated bicycles with really wide tires are causing ruts and divots. It is just not fair that a township or county would take preference over one hobby especially when it is farmers in the area we are supporting a lot of small businesses. We would invite you to go down and walk on the path. Have you walked on the path; have you seen any of the damage because I have found that Allegheny County and Richland Park nobody ever visited the park. They only took what the bikers or the bird people were saying. The gentleman from Richland Park walked the park; he said you are absolutely right. I only saw bike tracks and quad tracks. We are inviting you to come down to the community trail which is what it was originally that was put in for community use and walk it from Cabot to Leechburg and see the damage if there really and truly is damage. Watch the bikers go flying passed the horse without yielding or saying we are coming. My friends and I were accosted the same way. We parked and we didn't get ¼ of a mile before we saw a man on a bike. The point is we are taxpayers; we would like to see the trail stay open for all users the same as Allegheny County has down with all of their parks. Atty. Lutz stated this isn't a park. Stacy Mettler stated it is still a community trail supported by taxpayers and donations. Didn't equestrians originally donate money to help put this trail in place?

Diana Kapalka, Cabot, stated I was involved years ago when this was a thought and it hadn't happened yet. Unfortunately the person who spearheaded the equestrians is not able to be here. I do touch base with her because I was involved. We all gathered together, a big group, and came to the first meeting. We talked about how we could all use the trail. How it would work for everyone. Another thing that she kind of mentioned it was proven with research is a bicycle causes more erosion. What is the issue right now? What is the main problem? I don't really think that many horses go on it. I hardly ever see horses. Gary Risch stated from what I understand the entire trail is paved now. When it was first done, it wasn't paved; but it is paved now. Diana Kapalka stated I can't even imagine that many horses are on it. We were involved I remember we had a big thing years ago to raise money; Franco Harris came. I don't know who else was here but we were all involved. We pushed to have it happen way back then. I haven't used it in several years; but I don't want to lose it either.

Krissy Weaver stated I have ridden from Butler the whole way down this way. I have seen dogs on the trail and people with animals that are not on a leash. I have had a guy yell at me before; I can't

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control how other people act. Anytime I ever encounter a bike rider, I just move off to the side. When there are other people coming toward me, I just move off. It is part of sharing. I don't understand how this all got brought up. I have never had an issue with anybody on the trail. If you are going to ban one animal, why don't you ban them all? Dogs crap on the trail. I kick my horses crap off to the side. The whole point of being a community is you are supposed to be united on certain things. If I respect you with your dog, why don't you respect me with my horse? I have seen pigs on the trail, I have seen goats, and I have seen people walk their cows on the trail. If we are a community, why don't we act like a community? Anytime there is a dog, your dog could be acting up. You should learn how to control your dog. I have full control off my horse. It is free fertilizer. I pay to maintain my horses. I pay my taxes like everybody else. There is no reason why you should ban one animal and no others. It is just not fair; I know life isn't fair. I understand that.

Jim Boldy, Winfield Township, stated I have 7 children. They are all grown. I had 4 horses while they were growing up. They didn't have the opportunity to have the trail to ride horses on. They rode on the road or in the field. Some people don't have the fields like I have. It is really a shame to try and do this. We pay taxes. If you chase them off the trail, they will have to ride on the road. What is safer that trail or on the road? Why are we doing this? It is a disgrace.

Bonnie Scheerbaum, Rockdale Road, Butler, stated I have been very involved with horses all of my life. My point is we need to work together on this like in Pittsburgh they put a lane for the bicycles. Why can't we stipulate where the horses can go. Matt Sweeny stated I think that has been stipulated that the horses need to be off to the side. Bonnie Scheerbaum stated I don't think that anybody has a problem with that. Gary Risch stated it is already done; they are not following it. Chris Ziegler, President Butler-Freeport Trail Council, stated if they rode in the grass this wouldn't be an issue. Bonnie Scheerbaum stated you need to enforce it or whatever. I feel that horses should be able to use the trail.

Leah Spring, Jones Hollow Road, Cabot, stated I was asked to be here tonight. I have had horses my whole life. It is really important to have a place to ride them. I feel that if a bicycle can be on the trail, horses should be there, too. If my horse goes to the bathroom, I kick it off every time. I have always ridden on the grass. I don't understand why other people are being threatened by the bicycle people who don't want the horses on the trail. We don't want to be stopped by other people and told what to do. They are complaining about us; we are complaining about them. How do you justify who is right and who is wrong? That is today's society, unfortunately, that nobody can get along.

Angie Kline stated I have one more point. Whenever I did email Chris Ziegler about it initially I did tell her that sometimes my horse does go on the trail; but sometimes when a bike goes by a horse does get frightened. She gave an example. I do try to follow the rules to the best of my ability. It is like when you drive a car, you don't always abide by every rule of the road. That doesn't mean that you are not a safe driver. I try to be as respectful as I can to people. I have never once sworn back at anybody. Ron Zampogna stated you have made some good points. Those are valid concerns that people that

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aren't accustomed to horses on a daily basis are concerned about. Gary Risch stated we should let Chris Ziegler talk.

Joy Gardner, Cabot, stated I don't own horses. I am a taxpayer and a big time animal lover. I don't think it is fair what you are doing to these people. Have you been down on the trail to see the horses not riding on the side? Gary Risch stated I did not say that. Joy Gardner stated you told that one lady that they are not following the rules. I was on Facebook one time and I saw where they want to ban joggers, also, after the rain. Gary Risch stated I am not on Facebook. Joy Gardner stated because they put divots in. What are you going to do about a person walking making divots? Gary Risch answered a walker would not make divots. Joy Gardner stated you don't think a walker could put divots in a trail if they are heavy especially with certain kinds of shoes they are wearing. I don't think it is fair to say they are not following the rules. Gary Risch stated they aren't. Joy Gardner asked, how do you know that? Have you personally seen them? Gary Risch stated Chris Ziegler is in charge of the Trail Council. Joy Gardner asked has she personally seen them? Chris Ziegler answered I have pictures. Joy Gardner stated there was a comment on Facebook about not permitting joggers on the trail when it is wet. Chris Ziegler stated someone else made the comment. Ron Zampogna stated make your point; we don't want to spar with anybody. Joy Gardner stated I am a taxpayer too. I love walking that trail. I would love to see a horse come down. I would love to ride a horse.

Krissy Weaver asked is there any proof that horses have damaged that? How could you sit there and say it is not hearsay when you have one side saying one thing and the other side saying another? Chris Ziegler, President Butler-Freeport Community Trail, stated the rule has always been no horses on the trail surface. No one will stop you if you are riding in the grass. Who do people call if someone is doing damage to the middle of the trail? I don't want called. Albert Roenigk stated I think certain times of the year when it is wet. Chris Ziegler stated I am not opposed to horses. Albert Roenigk commented about people with horses helping to get the trail in. Chris Ziegler stated there are some places that use designated areas and certain times of the year. You need to use common sense as to when to ride or not ride on the trail.

Leah Spring stated if you ban horses, you need to ban dogs and bicycles. It just seems that it shouldn't be isolated. The trail is a beautiful, wonderful thing to have. Make signs and posters that say you will be fined if you do this. Take a picture of things people are doing that you don't like. Matt Sweeny stated something that everyone is missing is how much money is put in the trail. Millions and millions of dollars are put into that trail. Leah Spring stated we can take pictures and report it; that is a moneymaker. Chris Ziegler stated I would rather not have the damage to repair. Gary Risch stated we have police; the other townships don't. What is the ratio of horses to bicycles? Chris Ziegler stated very few horses. Gary Risch stated there are two horses that are causing the problems. Matt Sweeny stated I think everything can be taken into consideration.

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Stacy Mettler stated if two people are the problem you are telling me you can't identify them. Why are you punishing the whole basket of apples for two rotten ones? She commented about putting up signs about not using the trail during wet periods; we abide by that. We at Babcock Stables only ride the Rails to Trails in the wintertime when there is a snowcap on the trail. We have also run into the dogsled guy; he runs from Freeport to Butler. You don't think that his sled and dogs don't make a mess and damage the trail? I have a hard time believing that. Ron Zampogna asked do you suggest that we talk to the two people? They are not listening to what we or the Trail Council are suggesting; then what do we do? Stacy Mettler stated I just don't think it is fair to punish the entire equestrian community over two people just like the biker who came out and accosted us. We are not saying ban all bikes because of one bad apple. Ron Zampogna asked what does the township try to do to reprimand or get that person to follow the unwritten or written rules? Stacy Mettler have someone on the trail and watch for those two people and take videos and fine them. Atty. Lutz asked on what basis? Stacy Mettler answered destroying property, vandalism. The same way that if I don't do something like my horse hitting or kicking a car, my insurance picks that up. There has to be a solution. Ron Zampogna stated I agree with you; I am just asking what the solution would be. Stacy Mettler stated you go to that person and talk to them and try to get video proof and then fine them for vandalism. If you purposely ruin park property, that is vandalism.

Ron Zampogna stated we appreciate everybody's opinions and thoughts. It would be my suggestion that the Board take everything that was said into consideration. We could come back next month and act on it.

Kim Sgymoniak, Allison Park, stated I think the people made a lot of good points. If you take the trail away, horse riders are going to have to start riding on the roads. That is dangerous. We don't need a horse riding alongside a road and something spooks it and it jumps out in front of a car. There are a lot of people that come and ride on the trail that are from out of town. Maybe we don't pay taxes directly to you; we don't live in Buffalo Township. We still contribute to your economy. Maybe we don't pay taxes directly to you but our tax money contributed to the Grants that you received. There are only a couple of people that ride on that trail; you shouldn't punish them. Ron Zampogna stated we are not looking to punish anybody; we just want people to follow the rules. Kim Sgymoniak stated if you know who they are, you can send an Officer to their house. Ron Zampogna stated it is not that easy. Matt Sweeny stated everybody has to be responsible to help police it. All of this will be taken into consideration and try to figure out a plan as to what would make sense and best for all of the involved. I think that we should think about some possible solutions that might make sense for everybody. Kim Sgymoniak stated a community in North Carolina came up with alternating days.

Ron Zampogna asked Atty. Lutz, do we need to table this? Atty. Lutz answered there is nothing to table. We appreciate everybody coming; come again because the Board will take action in the future.

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**NEW BUSINESS**

**SEALED BIDS FOR 2018 ROAD WORK OPENED AND AWARDED**

**924 TON (MORE OR LESS) SUPERPAVE WEARING COURSE, 9.5MM. IN PLACE**

Wiest	68.95 Price Per Unit	\$63,709.80
Shields	64.00 Price Per Unit	59,136.00

**104,994 S.Y. (MORE OR LESS), SINGLE BITUMINOUS SEAL COAT, SRL G IN PLACE**

Russell Standard	1.273 Per Unit	\$133,653.36
Suit-Kote	1.73 Per Unit	181,639.62

On motion of Albert Roenigk, seconded by John Zurisko, to award the bid for 924-ton (more or less) Superpave Wearing Coat, 9.5mm in place to Shields for a total price of \$59,136.00. Motion Carried. Un. Approval.

On motion of Matt Sweeny, seconded by Albert Roenigk, to award the bid for 104,994 s.y. (more or less), Single Bituminous Seal Coat, SRL G in place to Russell Standard for a total price of \$133,653.36. Motion Carried. Un. Approval.

Gary Risch stated I think we should look at which road we are going to pave. I don't think we should pave Shuster Drive. I think another road should be done. Shuster Drive is a dead end road; there is no through traffic. Matt Sweeny stated we bid specifically for that road. Janice Zubrin stated Shuster Road is listed in the bid packet. Gary Risch asked we can't move it to another street? Atty. Lutz answered I will have to look at it. Janice Zubrin stated we would have to advertise again. Atty. Lutz stated it is specifically in the packet. Gary Risch stated we need to pay attention from now on to what we are doing. Ron Zampogna stated we are going off the recommendation of the Road Crew. Gary Risch stated we are going off one person. I think Shuster Drive should be tar and chipped. Vicki Hoffman and Joe Hoffman, Bear Creek Road, both commented.

**ADVERTISING APPROVED AND DATE SET FOR PUBLIC HEARING FOR PROPOSED ORDINANCE ESTABLISHING A VOLUNTEER FIREFIGHTER AND EMS TAX CREDIT**

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve advertising and setting a date for a Public Hearing for the proposed Ordinance establishing a volunteer firefighter and EMS tax credit. The date for the Public Hearing is June 13, 2018, at 7:15 p.m. Motion Carried. Un. Approval.

Atty. Lutz stated we are trying to save advertising costs for a lot of these things. The idea was to do everything at the same hearing if we can--zoning, flood plain, and stormwater.

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**BOND REDUCTION REQUEST FOR VILLAGE AT SARVER’S MILL – APPROVED**

Ken Howard stated we can support that; they completed the work.

On motion of John Zurisko, seconded by Matt Sweeny, to approve the bond reduction request for the Village at Sarver’s Mill in the amount of \$575,739.73. Motion Carried. Un. Approval.

**THANK YOU MARY ANN TOWNSEND**

Ron Zampogna stated Mary Ann has been with the township in some capacity for 25 plus years. She recently retired and has been helping Rhonda with the minutes. This is Mary Ann’s last meeting.

**LAND DEVELOPMENT**

**FENNEL PLAN – SILVERVILLE ROAD – SUBDIVISION - APPROVED**

Gary and Karen Fennell are proposing to subdivide an existing 2.15 acre parcel into two lots. Proposed Lot #1 will be a total of .461 acre and has an existing dwelling. Proposed Lot #2 will be 1.689 acres and will connect into the existing sewer system.

The township office has received the Subdivision Plan, Subdivision Filing Fee, County Planning Commission comments BCPC did not have any comments on this plan as per letter received 4/23/18), Municipal Authority comments (letter received 4/25/18), Twp. Engineer comments (letter received 5/2/18), Fee In Lieu Of, Twp. Planning Commission comments (favorable recommendation contingent on complying with Public Sites and Open Spaces or Paying Fee In Lieu Of as per 5/2/18 meeting minutes).

Ken Howard stated you could approve the plan as presented. They still needed to pay the Fee In Lieu Of. Rhonda Swartz stated I received it tonight.

On motion of Gary Risch, seconded by Albert Roenigk, to approve the Fennell Plan Subdivision located on Silverville Road. Motion Carried. Un. Approval.

**REMARKS FROM THE FLOOR**

Anthony Monfre, Fleming Road, stated I am having a stormwater issue with the property owner behind me. The property behind me has a driveway off Cole Road. There are several buildings—one is a barn one is a chicken coop. We moved in near the end of 2015; I noticed a storm pipe that seemed to follow a ditch down to Cole Road. I didn’t have an issue with that. The following year, 2016, I started to notice manure coming out of that pipe; in September, I approached the property owner about the manure. He said he would take care of it and a couple of weeks later he said he would move the pipe. All of a sudden a second pipe appeared out by Cole Road; but there wasn’t any connection between the two. My suspicion is that he just buried the pipe. When the end of the pipe originally disappeared, there was still a cleanout pipe by my neighbor’s property. I started to get suspicious about the water

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being leached into my yard so I took some pictures, about a month later the cleanout disappeared. Recently the last heavy downpour he dug up there again. I have water laying in my yard. I don't know if there is any way to get him to move the pipe. I called Roger Kelly about this. It has probably been a year and a half since Roger has been out there. Ron Zampogna stated we will take a look at it. Gary Risch asked who is the property owner? Anthony Monre answered Kevin Jarosinski. I contacted Ian Harrell from the Conservation District; he said he wasn't dealing with the manure properly. We had our well tested twice; there is some bacteria, not a lot. Ron Zampogna stated give us time to address this and try to come up with some answers. Anthony Monfre stated three roosters got out a couple of weeks ago; he seemed to have just left them out. Is there anything we can do if it happens again? Ron Zampogna asked the same property owner? Anthony Monfre answered yes. To my knowledge no one else has chickens. We called Roger when they got out. One of them he caught that day. The other two stayed out for 4 or 5 days. He told Roger that they weren't his. I was going to make arrangements for somebody to come and get them; he came and got them before that. Rhonda Swartz stated I live on Fleming Road, also, across from where I live they have chickens and roosters back there. They just run around all of the time. Anthony Monfre stated my wife watched them the day they got out. What can we do about it if they get out? Ron Zampogna asked Atty. Lutz if that happens again should he call Roger or call 911? Anthony Monfre answered we called both. Atty. Lutz stated there isn't anything that Roger can do; he is not violating any Ordinance. Anthony Monfre stated farm animals shouldn't be let lose in residential property.

Megan Kallner Sproat, Ekastown Road, stated I have a drain issue. We have our home on Ekastown and a shop/garage behind our house. We own ¼ of an acre behind that shop. We have French drains but are now getting ponding water and I have pictures. Our neighbors on Breezeway Drive have drain pipes coming from their property onto ours. The front of our house is a constant stream of water. I don't know what we should do. Our neighbor's yard also gets very flooded. She explained the pipe. Matt Sweeny and Ken Howard both stated if they are running that pipe onto your property, they can't do that. Atty. Lutz asked is this just one property owner doing this? Megan Kallner Sproat answered I don't know. We are trying to find a solution. John Zurisko asked did you just notice this? Megan Kallner Sproat answered we noticed it this winter but we wanted to see if it was because we had gotten so much snow, water. Atty. Lutz stated you have to check to see if this is a township issue. Matt Sweeny stated John and the Road Crew could look at it. Cindy Gearhy, Ekastown Road, commented on drainage.

Curt Taylor, Ryan Homes, asked if the township had an opportunity to review our request to do signage at Hepler Road/Rt. 228 and Rt. 356/Rt. 228? Atty. Lutz answered I have not. Curt Taylor could I put some temporary signs up on Friday and take them down on Sunday? Atty. Lutz answered we allow temporary signs. Curt Taylor stated they would be 4 x 6; I will have my guy put it up on Friday and take it down on Sunday. He was told to come to the next meeting.

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Tammie Kelley stated I thought the Developer’s Agreement would be on tonight’s agenda. I would like to know where it is at. Atty. Lutz stated Robert didn’t say anything to me; today was his last day.

Christina Myers, Garden Way, asked about getting a copy of the zoning ordinance changes? Is it posted online? Atty. Lutz answered see Rhonda for a copy. Matt Sweeny asked what is the status on our website? Rhonda Swartz answered we are not there yet. I can email a copy.

Gil Gorski, Crestwood Drive, asked about the gazebo for the mailboxes? Atty. Lutz answered I reviewed the maps; it is mostly on the township property. Matt Sweeny stated if it is unsafe and on our property; the township will take care of it.

**ADJOURNMENT** was on motion of Gary Risch, seconded by John Zurisko, at 9:14 p.m. Motion Carried.  
**Un. Approval.**

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**