

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – JUNE 12, 2019

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, June 12, 2019, in the Buffalo Township Municipal Building and convened at 7:30 pm.

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

Ron Zampogna III	Present
Matthew J. Sweeny	Present
Albert T. Roenigk	Present
Gary L. Risch, Sr.	Absent
John Zurisko	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) Albert Roenigk, John Gaydos and Ken Howard met regarding Stormwater issues in the township June 10.
- b) John Zurisko attended the PRC Meeting at the Audubon Nature Store June 4.

APPROVAL OF THE MINUTES of the May 8, 2019, Regular Monthly Meetings, as recorded, was on motion of Matt Sweeny, seconded by Albert Roenigk. Motion Carried. Un. Approval.

MONTHLY BILLS

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

OLD BUSINESS

REMOVED FROM TABLE AND RETROCATIVE MOTION TO ACCEPT 2019 ROAD CONTRACTS – APPROVED

On a motion of John Zurisko, seconded by Matt Sweeny to remove 2019 Road Contracts from table. Motion Carried. Un. Approval.

On a motion of Matt Sweeny, seconded by Albert Roenigk to retroactively award 2019 Road Contracts to the lowest bidders. Motion Carried. Un. Approval.

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NEW BUSINESS

PAYMENT TO HOLBEIN INC. IN THE AMOUNT OF \$47,088.00 FOR THE TRUCK GARAGE CONTRACT NUMBER 18-1 - APPROVED

On a motion of Albert Roenigk, seconded by John Zurisko to approve Pay Request No. 1 in the amount of \$47,088.00 to Holbein Inc. for the Truck Garage Contract Number 18-1. Motion Carried. Un. Approval.

NEW COMMITMENT LETTER REGARDING THE CFA TRAIL GRANT APPLICATION – APPROVED

Ron Zampogna stated that this a Trail Grant Application that was approved a couple meetings ago. Ken Howard stated that the analyst from Harrisburg asked us to have a new commitment letter prepared which would obligate the township to cover 15% of the total project cost instead of 15% of the grant amount. The letter is an Amendment to the original letter that was already submitted. You would be obligating the township for an additional \$6,300.00 for the match for the grant request on the repairs to the trail and restoration work along the trail. Your total obligation is \$43,125.00. Atty. Lutz stated that somebody should make a motion to approve the specific amount. Ron Zampogna asked if anyone had any questions and went on to explain the Grant information and the amount that was originally approved which was \$37,500.00. In essence we would approve getting a grant in the amount of \$244,375.00.

On a motion of Matt Sweeny, seconded by Albert Roenigk to approve the new commitment letter increasing the 15% match of the total project cost for the CFA Trail Grant from \$37,500.00 to \$43,125.00. Motion Carried. Un. Approval.

LAND DEVELOPMENT

Chris Zeigler, President of the Trail Council stated she sent out a report on the trail after the rain. On the plus side we did not have to close the trail. I did a Facebook post and sent information to be put on your website. The newspaper did an article as well. So, everyone is well aware of the conditions and to use caution. Culvert pipe south of Cabot, I met with Bob about possibly putting a bridge there because we have fixed this area numerous times. We have also gotten an offer from Winfield Township to help us with a ditch rental, so when the time comes, I will be going to Adam for that. I did apply for a Volunteer Grant for about \$26,000.00 and that would include renting a mini excavator to completely clean the ditches out and for approximately 7 miles worth of trail surface material and rip rap. We should know by the end of the month if we will be getting that. I will let you know as soon as we know. We also received a grant from the Butler County Convention and Tourism Bureau and with the help from Winfield Township we will be purchasing the parking lot that belonged to the Old Cabot Church which is along Winfield Road. We have a borrowed counter in Cabot because we don't know how many people are actually using the Trail. This information is also good for Grants. We are also having a Bug Program which is called Meet Mark's Friends which is being held on June 29th in

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memory of the little boy that was hit by the car in Herman. In a matter of 36 hours we were already at half capacity. We will be giving away back packs and other items to the kids on this day.

Terry Tague with the Parks & Recreation Committee stated that on the lower part of the trail, Parks and Recreation Committee went out to check the trail because of the race on that Saturday. Thanks to the Buffalo Township Road Dept. and Freeport Borough workers for clearing off a very large tree on the Trail and rerolling the gravel on the washed-out areas of the trail as well. There were over 200 runners.

REMARKS FROM THE FLOOR

Colleen Hook, Coe Street in Sarver. I have spoke with Rhonda, Larry and Rick Healey. We are here regarding ATV disturbance and a Noise Ordinance from a residence at 114 Coe Street. Atty. Lutz stated that every time we come up with a Noise Ordinance it is very hard to enforce. There are private nuisance things that can be done but you would have to talk with your lawyer about that. It is very tough to prove. If they are disturbing the land out there that is significant. Colleen stated that they are on the right of way and the police has been out several times. Albert Roenigk asked if it is a nuisance or are, they disturbing the area? Atty. Lutz stated this is what happened on Parker Road. Colleen stated that the mud from this property runs down Coe Street and onto Parker Road. Atty. Lutz stated that the Engineer has been out to that area several times. He has been at Coe and Parker and Foust and Beale Roads. When it comes out onto the township roads, that is when we get the Engineer involved. Fixing Coe Street is a problem that has been addressed at many meetings. It is a tough puzzle for us because it is a private road. You have to get everyone to cooperate to do anything. Colleen Hook stated that there are 13 families plus the people that own the Hughes property. Atty. Lutz stated that I know that you have called the police and I would encourage you to call them when the problem arises again. This could possibly be a nuisance under the crime code. Lisa Young stated that it took 5 phone calls and 45 minutes later the police showed up. They are riding these quads all hours of the night including school nights. It is ridiculous and they think it's funny. John Valasek, 105 Windy Hill stated that Colleen's husband is in his 90's. When you have been in the Army, this works you up. I can see why people get guns and blow people away. It bothers everyone. I have a 40 foot right of way going up to my property and this same kid has pushed the dirt from his property onto my driveway. It covers at least half of my driveway. He took a whole hill out and dumped it on my road. I want to know when I can get a dozer and put my 40-foot road back in and he just laughs about it. Atty. Lutz asked Ken Howard how much dirt can be moved before you need a grading permit. Ken answered 500 impervious square feet. Atty. Lutz asked do you think he has moved 500 square feet of land. John stated my road is 40 foot and I can't hardly use it. You guys need to go down and bust him for something. Lisa Young stated that he is pushing the tempers of the elders in the area. John asked why isn't the road fixed. Atty. Lutz stated again that it is a private road and the township is not permitted to do anything to the roads. Lisa Young asked if someone would do something, what would be considered illegal. This kid is laughing, literally laughing in their faces. He thinks it is just a big joke and is provoking them. Someone needs to direct us so we can do the right thing. Atty. Lutz stated that there might be some type of agreement somewhere regarding an easement agreement. Go to the Butler County website and look at the GIS Mapping and see where the property lines fall and possibly where the easements are located. Steve Buterbaugh offered help with this to those involved and shared his contact information. John stated that he spoke

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to State Representative Powell and he got the township \$490,000.00 for the roads. The Board of Supervisors stated that they did not see this money. Matt Sweeny stated this is private roads and private lands and the township can not do anything about this. Atty. Lutz suggested they go onto the GIS Mapping. Matt Sweeny also suggested that when this is happening contact 911 so that it is documented, and the police will be dispatched. Atty. Lutz stated that our Chief of Police is in the back of the room and is taking notes. Robert Husler, Coe Street stated that he can't even sit on his porch because of all the noise and dust. He stated that the dust is so bad that he can even taste it. John Valasek also stated that the storm drains are all clogged as well because of this and goes down to Parker Road. Matt Sweeny stated that we are not permitted onto private property. Mr. Valasek stated that we pay our taxes but get nothing from the township. Matt Sweeny stated if you bring the road up to proper specs and there is 100% participation with all the residents in that area, then the township could take over the streets, but this effort is not cheap. Albert Roenigk talked about Grandvue Drive being adopted years ago. Coe Street and Elm Street were both given the opportunity at the same time but did not go through with it.

Steve Buterbaugh, Kimberly Drive stated that his house flooded, we have a lot of water obviously. In the last 2 years we have had more rain the state of Washington. Which I understand. I moved into my house in 2014. Our house was flooded for the first time in February 2019 and just recently again. Talking with neighbors it was flooded in 2004 and 2008. We are not in a flood zone. Across the road from my house at 112 Kimberly Drive, there is a 7-foot basin and on my side of the road there is a drain. This last time the catch basin was full. It was almost to the point that it was ready to go over the road and back into my house again. I was fortunate enough that I only had 8 inches not 3 feet, we did lose a lot. If the drainage were fixed in this area, it would not back up into my yard. It is the lowest point in the area. During this last rain, our road was a river. If we are going to have rains like this then something needs to be done. There is drainage but it just doesn't seem to be enough. What is going to happen in the future if we keep getting these types of storms.

Matthew Mulmister, 402 Bear Creek Road stated that we also have a sewer drain on the opposing side of Bear Creek Road from my house. The township has been out several times trying to figure out how to drain water past my mailbox which is at the edge of Johns property and they had a ditch there, they dug the ditch deeper, that didn't work, so they put big limestone in there. The problem is that the sewer grate at the end isn't taking any water. It builds up there, comes to the crest of the road and once it comes over the crest of the road, it hits my driveway and I only have a small berm there from my limestone that is down already and comes down over. We have lived here since 2007, about 12 years now and have never taken on water the way that I have. I understand that it's a once in a 100-year storm but even this past Monday, there was a moderate ran. Matt Sweeny stated that the ground was already saturated. Mr. Mulmister stated, yes, I understand that, but my wife has pictures of both sides of the road where the water just sits there and builds up. It doesn't go anywhere. I am not in a flood zone, I am in the middle of the hill on Sarver Road past the fire hall, Mr. Haponski and the Nicholson's below me. I am at the point where I have to dig out my driveway and replace my foundation wall. Apparently, since I have been living there the past 12 years my foundation has been getting pounded with water that I didn't know about because it is behind drywall. I have bricks displaced and now the whole wall has to come out. We are going to pull that wall out and rebuild it. We are going to do what I need to do but if nothing is done with the drainage then what is the sense.

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Mr. Mulmister discussed another property owner up further on Bear Creek Road that he feels is causing a lot of these issues because of the work he has been doing on his property with the addition of a building. More discussion regarding the flow of water down Bear Creek Road to Sarver Road. My property sits at the lowest point. Can anything be done? Albert Roenigk stated that he doesn't think Cromie has a retention pond built. Mr. Mulmister stated that there is a pond there. Ken Howard stated that they started but the new design is removing the pond and adding rock sumps to the area. Mr. Mulmister asked, then where is the water coming from out of this pipe. Ken stated it is coming from up slope. Ken stated that I think a course of action would be contacting the landowner and get them to finish the construction of the stormwater facilities that have been submitted and permitted by the township. To date they have not been constructed since I last talked to the Mr. Cromies Engineer. I did email him when you called me. Matt Sweeny stated that in the time being we can check out what we have as well. Ken stated that then maybe the road crew could go out and clean the drains. Matt stated that he saw footage of Sarver and Bear Creek Roads and that this storm made National News. I live on Lynn Road; I am high on a hill and I got water in my basement. I had to rip out all of the carpet and padding and my insurance will not pay for anything and I did get more water in my basement from the storm this past Monday. Mrs. Mulmister stated that we shouldn't have standing water from just an hour of rain. John Payne, 603 Sarver Road stated that Road workers from the township cleaned out the drains and left the debris in his yard. I told the Road worker that there is a 12-inch pipe below the ground in that area that is now clogged and buried, and he said there is not. I told him that when the state tarred and chipped the road it was there and if we get a storm and it is not cleaned out there is going to be major damage. The borough was notified by me through you workers who I help pay for their salary and nothing was done. Mr. Mulmister stated that there is a sink hole in that area. Mrs. Mulmister showed pictures that she had taken where the location is. The sink hole is over my head if I could stand in it. Mr. Payne shared more information regarding the drainage issue. Albert Roenigk stated that Sarver Road is a state road. Ken & Albert stated they would look at the catch basin and suggested that they come back to the meeting in July.

Jim Young of Foust Drive stated the he also received a letter regarding the MS4 Public Meeting. He stated the Mr. Howard came up to my property and I spoke to him. I have an issue I would like to ask Larry about. How do I deal with an issue with a neighbor that built a retaining wall out and part of their driveway onto the right of way? Atty. Lutz stated if it is an upstream property owner that changed the route of the water onto your property by something they did, then there is civil liability there and you would have to hire an attorney. Mr. Young stated okay that answers one of my questions. Mr. Young stated that they won't sign anything down there which means it's not going to get done. Ken stated that everyone on your road would have to sign an easement to permit the grading of the birm. Atty. Lutz stated to go on private property we have to have an easement. Mr. Young stated that I did not sign any easement when they put the water line up the road. Atty. Lutz stated that you would have had to. If there was an existing Municipal Authority Right of way you may not have. Mr. Buterbaugh should be able to help you with this as well.

Melanie Bollinger, 121 Sunny Lane asked about the cul de sac on Sunny Lane. Ken Howard stated that it has been to wet for them to work. They should be starting back up here since the drainage was put in and as soon as the ground dries out as long as we don't get any more rain.

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Christina Myers, 2219 Garden Way stated like everyone else I am too having water issues on my property but did see Buffalo Townships attention to the end of my road this week and they have taken care of whatever needed done there. So, I was approached in public by a Buffalo Township resident a couple of weeks ago who asked me if I had turned her in to the township over her having chickens on her property. She said that she had been visited and threatened with a citation and was advised that the lady that had her chickens taken away was calling and turning in everyone in the township that had chickens. So, I am a little concerned that everyone is under the impression that I am on some mission to get everyone in trouble. Ron stated that this is the first I am hearing about this. Matt stated that he hasn't heard anything either. Ron asked Rick Healey if he could address this. Rick stated that he was given complaints regarding someone having farm animals on their property. I don't know who turned them in and they may have been under the assumption it was you. Christina asked if we are still standing on a township that is enforcing on a complaint basis not patrolling the area for violations? I would hate to find out that my issues other people are being looked at. Ron stated that we expect the residents of the township to follow all ordinances. We have a lot of issues going on in the township and the police are not patrolling the township for chickens. If there is a complaint, then Mr. Healey and Chief Derringer will look into it. To say that we are out looking for chicken issues, that is not happening. Christina stated that it really concerned her to be approached in public about that.

Mr. Mulmister of Bear Creek Road asked that whenever someone comes out to look at the issue at Sarver and Bear Creek Roads, could maybe the township check into putting some type of curve in to divert the water away from his property on either side of the road. Ron stated that we will have Ken Howard and Albert Roenigk go out and take a look at the issue and at the July meeting they will have some type of suggestion. If something needs taken care of before then, it will be. So, please attend next month's meeting and you will at least have an answer from them.

ADJOURNMENT was on a motion of John Zurisko, seconded by Matt Sweeny at 8:45 pm. Motion carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY