

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – JULY 10, 2019

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, July 10, 2019, in the Buffalo Township Municipal Building and convened at 7:35 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	Absent
Albert T. Roenigk	Present
Gary L. Risch, Sr.	Present
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) The Board of Supervisors met with their Solicitor in the Township Municipal Building regarding a personnel matter after the RMM on June 12.
- b) John Zurisko attended the PRC Meeting at the Audubon Nature Store July 2.
- c) Gary Risch and John Zurisko attended the PC Meeting July 3.
- d) The Board of Supervisors met with their Solicitor in the Township Municipal Building on July 10.

Gary Risch stated that he had a question about the minutes, I was looking over them because I wasn't at the last meeting. My question is regarding the retroactive thing for approving the bids for paving. Who decided on approving the bids? How was that done? Atty. Lutz stated that there were some phone calls that were made, because it had to be done and I understood all were involved. Gary asked who was the phone calls made to. Atty. Lutz stated Ron called me. Gary asked Ron who all he called. Ron Zampogna asked in regard to what? Gary replied for approving the paving. Albert Roenigk stated that it was just the low bids. Albert Roenigk stated that the only question he had at the first meeting was, if we had enough to do all the projects? Gary stated that it was \$200,000.00 that was to be spent on paving? Am I, not right? Ron asked Janice if that was what it was? Janice replied I would have to look. Albert stated that Beale Road is for paving and Gary stated for paving and sealing. Gary stated that was \$200,000.00 spent right? Gary stated that we never discussed this at a meeting, what roads were going to be paved, and I asked if we could have a meeting about it. I texted Ron and emailed Ron and I assume that was done on a Monday because there was a meeting on that Wednesday, but we ended up not having a meeting, so it wasn't discussed. I thought that \$200,000.00 worth of expenditures was something that we should have discussed, and we should have discussed whether to pave all of that or not to pave it and use some of that money for something else. Ron stated that was

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discussed. Gary asked when was it discussed? Ron replied it was discussed on the Road Tour. Gary stated which I was not at and I asked that I be told what was happening and I was never told. Ron stated and then it was discussed at a public meeting. Gary asked which public meeting because it was never discussed at any meeting I was at and I haven't missed any public meetings. Ron stated that it was discussed because you wanted to different roads, I believe. Gary replied, I wanted to discuss it, but it was never discussed. Ron replied I don't believe that was the case, Larry. Gary replied; I think it was. Atty. Lutz stated that there was an email. Gary stated we tabled it because you wanted Ken to look at the bids, for what reason I don't know because we knew all the companies that bid on it and I don't know why Ken had to be paid to look at them for. It was tabled and then never discussed again. Albert stated that the only reason it was tabled is because whether we had enough to do. Gary replied and that was never discussed. Ron stated we tabled it because Ken was not at the meeting. Gary stated, yes, he was. Ken Howard answered; no, I was not at the meeting when the road bids were opened. Gary replied okay; then why did Ken have to look at them? Ron replied because Ken is the Township Engineer. Gary replied we never had him look at them any other time. We knew who was paving, we knew who did good for us and we knew who didn't and we never discussed it again. Ron stated because we agreed to have Ken look at them at that meeting. Gary replied and then we never discussed it again. Ron stated we already knew which roads we were going to do based on our conversations. Gary asked what conversations? Ron replied, the ones we had. John Zurisko stated when we had the Road Tour. Ron added and here. Gary stated we never discussed it here. Show me the minutes where it was discussed. Ron stated we will pull the minutes. Gary replied; I would like to know because I think that spending \$200,000.00 should have been discussed at a public meeting. Ron stated; it was. Gary replied; it wasn't. Ron stated you were well aware of it. Gary stated I never had a list; I never saw anything, and I did not know what roads we were doing. Ron replied that is untrue, Gary. You saw the list for the Road Tour. Gary stated I didn't go on the Road Tour because I was in the hospital. I called Matt and told him I had a concern about it but never heard anything back about it. Ron replied, well that is not what Matt said. Matt said that you talked to him about it and didn't want to do a certain road, that you would rather do a different road and he put that into the recommendations. Gary stated I called him from the hospital, but I never heard anything back from him. Ron asked Gary if he ever talked to Matt about it and Gary replied that he talked to Matt before the Road Tour. Ron suggested that Gary talk to Matt about it. Gary replied I will talk to Matt, but I want to see in the minutes where we discussed it at the public meeting. I just don't think we need to spend \$200,000.00 on a phone bid. Ron replied, on a phone bid? Gary stated, yes, that's what I was told. You called people. Ron replied; I didn't call people. Gary stated that's what I was told. Atty. Lutz stated, I just said that. Gary asked then who made the decision to have Janice call and schedule? Atty. Lutz replied; I know there was an email. Ron stated, asking you to contact Gary. Atty. Lutz stated there was a list that I emailed out to everybody. Gary stated; I never got a list showing what roads were going to be paved. Ron asked Gary so you don't recall this list? Gary replied, no. Ron stated; I find that hard to believe. Gary replied; you can call me a liar if you want but I never saw a list. Albert Roenigk stated that \$200,000.00 is a lot of money when you start paving. Gary replied, yes, \$200,00.00 is a lot of money in my book and I bet the taxpayers think that \$200,000.00 is a lot of money too. Maybe you don't think it's a lot of money. Ron asked Gary, so you don't want to pave the roads? Gary replied; I didn't say that. I just feel there is other things that the money could be spent on. Albert stated that he feels it is important to keep the roads in good condition. Gary replied, they're in excellent condition. Albert replied; you have to keep them that way. Gary stated that there are other things we need too. Just because this is the way we did things 20 years ago doesn't mean we can't change. Ron asked if there are any other questions? Gary replied no; I just had a question about the minutes.

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APPROVAL OF THE MINUTES of the June 12, 2019, Regular Monthly Meetings, as recorded, was on motion of Albert Roenigk, seconded by John Zurisko. Motion Carried. Un. Approval.

ACCEPTANCE OF THE TREASURER'S REPORTS for May 1-31, 2019 and June 1-30, 2019 inclusive for audit, was on motion of John Zurisko, 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 John Zurisko to pay the monthly bills. Motion Carried. Un. Approval.

REPORTS

(1) THE ELECTED TAX COLLECTOR'S REPORT (CARLA GARIA):

- **APRIL 2019:** Twp. Real Estate Tax is \$50,932.28, Per Capita @ Discount \$5,899.60, Per Capita @ Penalty \$88.00
- **MAY 2019:** Twp. Real Estate Tax is \$5,124.27, Per Capita @ Discount \$630.00
- **JUNE 2019:** Twp. Real Estate Tax is \$8,905.72, Per Capita @ Face \$1,470.00, Exonerations 195

(2) THE APPOINTED TAX COLLECTOR'S REPORT (BERKHEIMER):

- **MAY 2019:** Earned Income Tax is \$140,836.16, Local Services Tax is \$27,552.67
- **JUNE 2019:** Earned Income Tax is \$138,353.38; Local Services Tax is \$1,576.39

(3) THE APPOINTED TAX COLLECTOR'S REPORT (SHARPS):

- **MAY 2019:** Twp. share: \$350.44
- **JUNE 2019:** Twp. share: \$377.15

(4) WEEKLY STAMP SALES (DEED TRANSFER'S):

- **MAY 2019:** \$44,224.38
- **JUNE 2019:** \$00,000.00

(5) ZONING OFFICER'S REPORT (RICK HEALEY):

- **MAY 2019:** 17 Permits Issued, 16 Grading Permits, 5 Single Family Residences, 2 Residential Garage, 4 Residential Storage, 2 Residential Additions, 1 Decks/Porches/Roof, Building Permit Fee: \$6,246.55, Mileage: 200, Grading Permit Fee: \$400.00, Lot Development Fund: \$1,367.09
- **JUNE 2019:** 20 Permits Issued, 8 Grading Permits, 8 Single Family Residences, 1 Residential Addition, 2 Decks/Porches/Roof, 1 Pool, Building Permit Fee: \$8,555.85, Mileage: 215, Grading Permit Fee: \$550.00, Lot Development Fund: \$2,734.18

(6) THE DISTRICT JUSTICE'S REPORT:

- **MAY 2019:** Ordinance & Statute Violations \$84.70, Code Violations \$342.99
- **JUNE 2019:** Ordinance & Statute Violations \$276.28, Code Violations \$521.36

(7) BUFFALO TWP. POLICE REPORT

- **MAY 2019:** Total calls 157
- **JUNE 2019:** Total calls 233

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(8) BUFFALO TWP. VFC, CHIEF'S REPORT

- **CALL REPORT MAY 2019**: Calls for month 73, Fire related calls 49, Medicals 24, Company Hours 52 hrs. 27 min., Staff Hours 527 hrs. 37 min., Calls for Year 283, Total Company Hours For Year 282 hrs. 20 min., Fire Damage for Month \$0.00, Fire Damage for Year \$0.00
- **TRAINING REPORT MAY 2019**: Company Training hours 14 hrs. 00 min., Staff Training Hours 234 hrs. 30 min., Company Training hours for year 82 hrs. 30 min., Staff Training hours for year 1368 hrs. 30 min.
- **FUNDRAISING REPORT FOR MAY 2019**: Company Fundraising hours 21 hrs. 00 min., Staff Fundraising hours 341 hrs. 00 min., Company Fundraising hours for year 46 hrs. 15 min., Staff Fundraising hours for year 886 hrs. 00 min.

BUFFALO TWP. VFC, CHIEF'S REPORT CONTINUED

- **CALL REPORT JUNE 2019**: Calls for month 46, Fire related calls 24, Medicals 22, Company Hours 23 hrs. 30 min., Staff Hours 226 hrs. 38 min., Calls for Year 329, Total Company Hours to date 305 hrs. 50 min., Total Staff Hours to date 2543 hrs. 00 min., Fire Damage for Month \$5,000.00, Fire Damage for Year \$5,000.00
- **TRAINING REPORT JUNE 2019**: Company Training hours 11 hrs. 00 min., Staff Training Hours 118 hrs. 00 min., Company Training hours for year 93 hrs. 30 min., Staff Training hours for year 1486 hrs. 30 min.
- **FUNDRAISING REPORT FOR JUNE 2019**: Company Fundraising hours 36 hrs. 00 min., Staff Fundraising hours 567 hrs. 0 min., Company Fundraising hours for year 82 hrs. 15 min., Staff Fundraising hours for year 1453 hrs. 0 min.

(9) SARVER VFC, CHIEF'S REPORT

- **MAY 2019**: Calls for month 65, Fire related calls 29, Medicals 36, Calls out of Twp. 4, Calls out of Twp. to date 23, Company Hours 273.38., Staff Hours 435.33 hrs., Calls for Year 306, Fire Damage for month \$0.00, Fire Damage for Year \$280,000.00
- **JUNE 2019**: Calls for month 51, Fire related calls 15, Medicals 36, Calls out of Twp. 3, Calls out of Twp. to date 26, Company Hours 224.61 hrs., Staff Hours 428.79 hrs., Calls for Year 360, Fire Damage for month \$0.00, Fire Damage for Year \$280,000.00

OLD BUSINESS

MOTION TO APPROVE PERIODIC ESTIMATE NUMBER 2 BY NORTHROCK CONSTRUCTION, INC. FINAL PAYMENT REQUEST IN THE AMOUNT OF \$18,325.15, CONTINGENT UPON RECEIPT OF THE TWO-YEAR MAINTENANCE BOND AND CONSENT OF SURETY TO FINAL PAYMENT - APPROVED

Ken Howard stated that we recommend the Board move to proceed with the payment of the \$18,325.15 payment request for the Sunny Lane cul de Sac project. The contractor has installed the cul de Sac as per the design and finished with the aggregate surface with this contract.

On a motion of Albert Roenigk, seconded by John Zurisko to approve final payment in the amount of \$18,325.15 to NorthRock Construction, Inc. contingent upon receipt of the Two-Year maintenance bond and consent of surety to final payment. Motion Carried. Un. Approval.

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MOTION TO APPROVE PERIODIC ESTIMATE NUMBER 2 FOR TRUCK GARAGE REPAIRS – MUNICIPAL COMPLEX CONTRACT 18-1 TO HOLBEIN INC. IN THE AMOUNT OF \$96,048.50 – APPROVED

Ken Howard stated that Holbein Contracting and his associates have for the most part completed the construction of the new truck garage which you can see out the window now. The request tonight is not for a final payment but a partial payment in the amount of \$96,048.50 we could recommend payment be made at that level until completion and we could have a walk through next week and the balance of the payment in the amount of \$7,533.50 could hold as a retainer for any outstanding items upon completion of the project.

On a motion of Gary Risch, seconded by John Zurisko to approve payment in the amount of \$96,048.50 to Holbein, Inc. for the Truck Garage Repairs – Municipal Complex Contract 18-1. Motion Carried. Un. Approval.

NEW BUSINESS

ACCEPTANCE OF RESIGNATION LETTER FROM CYNTHIA BRADEN, VICE CHAIRMAN OF THE MUNICIPAL AUTHORITY - APPROVED

Ron Zampogna stated, so Ms. Braden submitted her letter? John Haven, President of the Municipal Authority of Buffalo Township stated yes, she did. John stated that due to the business she is in, she now has bomb sniffing dogs, cadaver dogs as well as search and rescue dogs. The business she is in now is security for stadiums. She has been to the Penguin games and goes to the away games as well. So, she is very busy, and it is impossible for her to attend the meetings. We regret that she has to leave her position. We appreciate everything that she has done for us as you can see in the letter.

On a motion of John Zurisko, seconded by Gary Risch to accept Cynthia Braden's resignation letter from the Municipal Authority of Buffalo Township. Motion Carried. Un. Approval.

APPROVAL TO FILL THE VACANCY ON THE MUNICIPAL AUTHORITY BOARD WHICH EXPIRES DECEMBER 2021 WITH ROSEMARIE CIACCIO – TABLED

Ron Zampogna stated that we did get some information from her with regards to her resume and background. She looks very qualified to fill this position. John Haven replied let me give you some history on that. We have had 3 potential candidates, 2 that couldn't clear their schedules and one that when they found out what it entailed, they were no longer interested. Ron stated that since this is an important facet to the township, without Matt being here tonight, I think maybe we would like to table it to get his thoughts on it. This is not necessarily going to mess the Water Authority up is it? John Haven questioned; may I ask your concerns about it? Ron stated that it is not that we have any concerns about it, I think her resume speaks for itself, but in fairness, I believe we would want to get his opinion as well. We just received this today. John stated that was an oversight on the Municipal Boards part and I do apologize. We wanted to get it to you earlier and we just had her at our last meeting to get all of the paperwork prepared. Ron replied, and that's okay, its understandable, it happens. We will wait until the next meeting to discuss this. John stated that he would not be able to make the next meeting because it will be on the School Board Meeting night. John asked if the Board of Supervisors would need anything more from him. Ron stated I don't think. Matt will get his mail and look over the information and make his decision. Atty. Lutz asked if we should have Rosemarie attend the next meeting so we can meet her? Ron replied, yes that would be great. John stated she is here.

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Ron asked if she wouldn't mind attending the next meeting that would be wonderful, that way if we have any questions then you can answer them. Rosemarie said she could.

On a motion of Gary Risch, seconded by John Zurisko to table the request for Rosemarie Ciaccio to replace Cynthia Braden's position on the Municipal Authority Board which expires December 2021. Motion Carried. Un. Approval.

RESIGNATION LETTER FROM DEPUTY EMERGENCY MANAGEMENT COORDINATOR RICHARD A. SWARTZ – ACCEPTED

Ron Zampogna stated that Mr. Swartz submitted a letter of resignation to the township today that he will be resigning from that position and it will be the job of the Supervisor's to fill that position in the next couple weeks.

On a motion of John Zurisko, seconded by Gary Risch to accept the letter of resignation by Deputy EMC Richard A. Swartz at this time. Motion Carried. Un. Approval.

CERTIFICATE OF RECOGNITION TO EAGLE SCOUT ERIK BODILY FOR HIS CONSTRUCTION OF A PICNIC TABLE AND MULCHED PATH ALONG THE BUTLER-FREEPORT COMMUNITY TRAIL AT THE SHUSTER PROPERTY FOR HIS EAGLE SCOUT PROJECT

Ron Zampogna asked if Erik Bodily was here? John Haven replied that Erik had to work this evening. Ron stated that for those who don't know, Erik made a picnic table for his Eagle Scout project and mulched a trail to it at the Shuster property along the Butler-Freeport Community Trail. He completed this project and we have a certificate for him.

Gary Risch stated that before Land Development I have a couple questions. Last year when had the bad storms and half the township was out of power, it came to light that we did not have enough road closed signs, cones and stuff for the roads and to this point we haven't bought anymore, and I was wondering why? Can you answer that Ouch? Albert Roenigk stated; I am not sure that we haven't. Gary replied, from what I understand we haven't bought anymore road closed signs or cones and we have a lot of roads and with the bad rains we have a lot of roads that are getting flooded out and there are no cones or road closed signs to put up. Ron Zampogna stated; well this is the first time I heard that we needed more signs. Ron asked Bob Fletcher, Road Dept. worker if we need more signs. Bob Fletcher replied; we could probably use more portable signs. Ron stated and that is fine, we appreciate you letting us know that you need them, and we will be glad to get them so that you can work efficiently and safely. Gary stated that is the Road Masters job and he should have made sure that was done. Another thing I understand is when we had the last few storms, they needed stones to put along the road and I noticed that the stone bins were empty, and I noticed again they are empty now. Why are they empty? Does John not fill them up? Gary stated to Albert that you are in charge of the roads; so, I am asking you why are they empty? That is what the bins are for, so they have a stockpile when they need it. Albert replied, some of the stones they couldn't get because everybody was out depending on what size was needed and they have used quite a bit. Gary asked so why aren't they filled back up now? Albert replied; I don't know. Gary stated, that answered my question. Nobody knows what is going on. Go ahead Ron. That's typical. Ron asked Gary what he meant by that is typical and nobody knows what's

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going on? Gary replied; nobody ever knows what is going on, I never get any answers. Ron asked Gary, what do you mean? Albert replied; I have spent a lot of time walking around at the different places. Gary replied and so have I and that is why I know they didn't have some of the stuff they needed and the right materials to fix stuff because the stuff all washed away. Gary replied; lack of leadership. Ron asked Gary, so what do you want to do? Gary replied; someone should do something about it. Ron asked Gary again, what do you want to do? Gary answered, the stuff needs to be policed and somebody should know what they are doing. The Roadmaster needs to know what he's doing, or the guy that is in charge of the roads. Ron asked so what do you want to do. I am asking you what do you want to do. Gary replied I don't know. Anything I say nobody listens. Ron asked what do you want to say? Gary answered nobody listens to me. You don't involve me in anything, John doesn't listen to anything I say and there is nothing I can do about it because nobody listens to me. Ron replied is that all you have to say; nobody listens to you? Gary replied yes. Albert stated you never called me. Gary replied that makes common sense I don't have to call you. Gary replied you can look and see they are empty. Ron asked Gary how do you want to handle this? Do you want to call and get the bins filled up? Gary replied its not my job. Ron stated if you never know anything and we never know anything then who's job is it? Gary answered; it should be the Roadmasters. Ron asked so if you feel he is not doing his job then what do you want to do? Gary replied; somebody reprimand him or write him up or somebody should talk to him. Ron asked; have you talked to him? Gary answered he won't listen to me. Ron answered so why is that? Gary answered because I am the black sheep. You have made that quite clear. You don't call me about anything. You talk to everybody else, but you don't call me and see about cancelling a meeting. Ron asked Gary why don't you call me. Gary replied; I have texted you; I have emailed you and you don't get back to me. Ron stated you haven't emailed me, and I don't text.

LAND DEVELOPMENT

FOSTER PLAN – 134 CRESCENT HILL DRIVE – SUBDIVISION

Gregory & Linda Foster are proposing to subdivide a 2.963-acre lot off an existing 18.451-acre parcel. There is an exciting dwelling on the 18.451-acre parcel located at 134 Crescent Hill Drive, Sarver. The new proposed Lot 2 will connect to public sewer.

The township office has received the Subdivision Application, the Subdivision Filing Fee, 5 copies of the plan, Butler County Planning Commission Comments; BCPC did not have any comments on this plan, Municipal Authority comments 6/28/19: Public water in not available to this property. Public sewage is available to this property. The property owner should contact the Authority for further information. Bankson Engineer comment letter received 6/28/19: The Applicant shall provide a fee in lieu of, or a dedication of required recreational land, the Applicant shall show the location of the private water supply wells for

each parcel on the Plan Drawing, Applicant shall obtain approval from the Municipal Authority of Buffalo Township for connection of private sanitary sewage laterals to the public system, including DEP approval, if required. The Buffalo Township Planning Commission made a favorable

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recommendation contingent upon complying with the Municipal Authority and Bankson Engineer comment letters dated 6/28/19 and payment of Fee In Lieu of.

Ken Howard with Bankson Engineers stated that we have reviewed this plan and it is our recommendation that the plan can be approved as presented provided they would pay the Fee in Lieu of, add the water wells to their drawing and confirm that they can get the sewer tap in through the Municipal Authority. I am not sure if the Fee in Lieu of has been paid or not. Is there anyone here representing them? Rhonda Swartz stated that the Fee in Lieu of has not been paid. Ken stated that the same contingencies need to stand. Albert Roenigk asked where is this lot at? Ken replied this property is at the end of Crescent Hill Drive at the cul de sac. They are creating an additional building lot at the end of the cul de sac. The current driveway goes back to the left to an existing residence on an 18 or so acre parcel. They are carving out a couple acres there for a family member, creating one new building lot. Albert asked, it will front on the existing cul de sac? Ken replied, exactly. Albert stated with the 25-foot Right of Way they couldn't put another lot back there. Ken replied that is right because they have frontage off this cul de sac to the parcel. Atty. Lutz stated that you had a favorable recommendation from the Planning Commission, you can approve it contingent upon compliance with Bankson Engineer comment letter.

On a motion of Albert Roenigk, seconded by John Zurisko to approve the Foster Plan Subdivision as presented contingent upon complying with the Municipal Authority & Bankson Engineers comment letter received 6/28/19 and paying the Fee In Lieu of. Motion Carried. Un. Approval.

HERITAGE CROSSING – S. PIKE ROAD – PRELIMINARY SITE PLAN

Gateway Engineers, Inc. is submitting the proposed Heritage Crossing Preliminary Site Plan on behalf of Weaver Homes. The proposed site is a 25.033-acre parcel consisting of 3 lots located at S. Pike Road, an open parcel south-west of the intersection of Mulone Drive and S. Pike Road. The present zoning of the property is B-1 & B-2. The proposed project will be comprised of 20 buildings containing 4 residential units per building, for a total of 80 residential units. Public water & sewage are available in the vicinity of this proposed site.

The township office has received 5 copies of the site plan, Site plan application, Site Plan Filing Fee, Municipal Authority of Buffalo Township comments received 6/28/19, Bankson Engineer comment letter received 6/28/19.

Brett Schultz from Weaver Homes stated that he runs the land development side of things and with me tonight is Mike Ogin with Gateway Engineers. So, just for the record, we are in receipt of Bankson Engineer letter dated June 28th and have replied to that letter yesterday being July 9th. I believe you all have seen this plan. We have been here before and this plan is largely unchanged.

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The site dictates how it needs to work and we have not changed too much. Weaver Homes is a quadruplex unit which Mr. Zampogna had mentioned, there four units on a slab on grade building in a cross pattern. They will be developed in a condominium style which basically means that the residents will own to the drywall, carpet and the paint. The rest of the building is a common element owned in common eventually by all 80 of the homeowners. We are proposing, as we do at all of our projects that we construct the clubhouse which is shown in the upper left a pool and parking for the residents to utilize for all sorts of events. It truly does create the lifestyle. The condominium's type of living is a very low maintenance community. The grass is cut, the snow is plowed from your driveway and removed from your sidewalk, spring cleanup is conducted in the spring all in a timely manner. To create that lifestyle community. These are not an age restricted community. Access wise, one being Mulone Drive and Sandy Ridge Drive. I have been talking with the current owner Eric Smith with using those roads for this development and that way Sandy Ridge Drive would also be a township Road. We are hoping to have the roads adopted by the township once we have everything constructed. The second entrance to the plan will be a couple hundred feet past the Get Go right out. We are proposing a right in/right out. This way you will not have to go in through the Get Go to enter the site if the light would happen to be green. You could head down to the right in entrance. Also, if you are leaving the plan and heading south you can use the right out to head toward route 28. I am going to let Mike take over. Mike Ogin stated that there are just a couple of things I would like to go over. From a procedure standpoint, we submitted three applications. We submitted a Site Plan, Subdivision and Conditional Use. By making these public streets here and we have also included a future roadway which is on one of your comprehensive plans, so we have allowed for that. In doing that what it does is creates 3 parcels. The club house will be its own parcel and the other 2 parcels will have the housing units on them and these will become public streets. The third application is in the B-1 & B-2 this Multi-Family Dwellings is a Conditional Use. So, those are the application's that we have before you. From a modification prospective, there was a modification for some steep slopes, we went over this with Ken. This site was created originally with some steep slopes. I am not sure if you remember but this site was originally a borrow site which creates a modification for us essentially. Dead End streets, I think we have worked through that since we are providing future access which breaks our cul de sac length up. Which I think makes sense. We are asking for a modification road radii right here. We are proposing 150 which seems to meet all local road criteria. We had some questions regarding the fencing at the pond. We do have a small filtration area right here which will be below 2 feet in depth so it will be required to have a fence. We proposed a 4-foot split rail fence with wire backing around it. There was some discussion at the Planning Commission Meeting regarding that. The Ordinance calls for an 8-foot fence. We did ask for a modification on that. Brett stated regarding the fence; I believe that anything that can be achieved with an 8-foot fence can be achieved with a 4-foot fence. We are looking at the aesthetics in a residential development. This will be behind, 2, 4, 6, possibly 8 units and visible by probably 12-16 of these units. I brought this up at the Planning Commission Meeting without knowing the reasoning or

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rationale behind the Ordinance. My point was if I have a pool in the backyard of my house, I am required to have a 4-foot fence around the pool with certain criteria that the spacing is no more than 4 inches apart. When you are building a commercial pool, the fence would only need to be 54 inches with the same spacing. There is not a lot of cost difference between an 8-foot-tall cyclone fence and a 4-foot-tall cyclone fence. What I would like to do is purely aesthetics, so I am asking the Boards consideration that what does 4 ½ foot to 8 foot really do? If someone is old enough to jump over a 54-inch fence, they'll easily scale an 8-foot fence. They are going to find a way to get over it. I just don't know where the 8 foot came from. We would just like your consideration, purely aesthetics. John Allen stated that you are asking me to build a fence also and before I do it, I want to make sure that we are on the same page. I am wondering how they came up that it should be 8 feet and if there is some type of study out there. Ken Howard stated that I am not really sure if there is a specific study that was done to determine the height, but the Ordinance was developed based on the statewide model. Brett stated that is why we are here asking questions, don't ask, don't get. John Allen stated that maybe this could be researched if it is a statewide requirement. Atty. Lutz stated that we could change our Ordinance to make it less than 8-feet. Brett replied its 50/50 some have the requirement, and some don't. Ron Zampogna stated that I think this is something that we could look into. Gary Risch asked Ray Smetana why this was made this way? Ray stated that this was statewide, so rather than us trying to invent something new we went by what the statewide policy was. That was at least 15 years ago, and things could have changed. Albert stated that the split rail is good for a couple years. Brett stated that we are not just proposing a split rail fence, we are proposing a split rail with a metal fencing backer to it. The point is you are trying to keep, we'll say a toddler out. John Allen asked Atty. Lutz to check to see if this is a mandate. Albert stated that we can go more than the state requires. Brett replied I will do it, but it is right beside S. Pike Road and don't think that you would want to look at that even if we plant tree along the area. Ron Zampogna asked Peggy Bonfilio to speak. Peggy asked what the proposed distance is between the split rail and the chain link fencing? It would be mounted directly onto the fence. Peggy stated it would be a ladder to a young child. Brett stated that the chain link would be on the outside not on the inside. Peggy asked is there a rule that the good/pretty side of the fence needs to face your neighbor? Bob Fletcher, Bear Creek Road suggested why don't you just use the plastic fencing it's 8 foot and then nobody would be able to climb it. There was much discussion regarding the fencing request. Brett stated that this about height not about the specific type of fencing. I am just asking if we can vary from the 8-foot-tall fence? Albert stated that I think it is more the maintenance of these ponds than the fencing. Brett stated that there will be Operations & Maintenance Agreement for the pond. Any of the O & M Agreement is referenced in our public offering statement. The homeowners are informed of this agreement and have signed off on this agreement. It is a thick book and we take every precaution so that this township is not getting phone calls regarding this retention pond. This agreement is in place to protect the township. One of the things about a condominium lifestyle is that they all own equally own the property. Matt Malmeister asked if the pond is going to follow all of the new guidelines from

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the EPA, DEP that we have talked about the last few meetings? Brett answered; I believe it is an additional 10% removal. We had a meeting with the DEP a few weeks ago. All of the drawings have been reviewed and approved by the township and Conservation District and DEP directly. Matt Malmeister commented about the other 5 housing plans in the township that were missed and stated that there is a purposed \$700,00.00 to \$800,000.00 tax hike that us residents are gonna eat. John Allen asked if Ken Howard could speak regarding Mr. Malmeister’s comment. That is a completely separate item from the Stormwater Management or am I wrong. Ken Howard replied, that is something completely separate. Atty. Lutz stated, lets stick with the Agenda. John Allen asked then if you are going to discuss fencing if you could check into this. Atty. Lutz replied with the Boards approval; I can take a look at that. Mike Ogin stated that we are just here to get approval for the Conditional Use regarding the Multi-Family Dwellings in a B-1 & B-2 Zoning District. We sent a letter to Bankson Engineers and have complied with all of their comments. Ken Howard stated that we did receive their letter and reviewed it. They are adequately addressing our concerns. We are in support of granting them Preliminary Approval to move forward with the Conditional Use Hearing realizing that final approval will not occur until the Conditional Use Hearing has been held and the determination is made with any and all requirements of your Ordinances. In addition, have all the documents in order, taking over to private streets by Eric Smith. Brett stated that Eric and I have been in contact regarding the streets. We are working with the language and discussing what needs to be done by Eric Smith regarding the streets as well. More discussion regarding the streets that will potentially be adopted. John Haven asked if there are similar developments in the area like this. Brett replied there are several and explained where a few a located. This is where people that want maintenance free property or spend a part of the year in Florida like to live. Vicky Hoffman asked what type of population are you anticipating? Brett replied, there are 80 residences. Our demographics is older. We don’t see a big hit to the school district. There will not be an influx of a lot of kids. Vicky replied we heard that before with the plan right up on the hill where Atty. Lutz lives. Brett replied that I cannot speak to what someone else has said but I can challenge you if you can find one person under the age of 40 living in these homes. They will be semiretirement and retirement population. Vicky replied so you are talking about another 160 cars coming out of there. Brett replied; we will let the Traffic Study make that determination. There won’t be families coming and going taking their children to soccer/baseball games or practice several times a day. These are very low trip generators. The ITE which is the Institute of Traffic Engineers classifies us as a Retirement Living Community. Which is a very low trip generator relative to a single-family home that you were referring to earlier.

On a motion of Gary Risch, seconded by Albert Roenigk for Preliminary Approval and setting the date for the Public Hearing on August 14, 2019 at 7:00 pm. Motion Carried. Un. Approval.

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REMARKS FROM THE FLOOR

Chris Zeigler, President of the Trail Council stated that they had several volunteers for a cleanup day South of Cabot. There are still trees falling along the trail and a lot of clean up left to do pretty much daily. The Trail counter that was placed in Cabot counted approximately 3,200 cyclists or people who stepped on the tube. The one that was in Ford City was higher, but this coming fall we will be placing counters in Butler, Cabot and one in Laneville. We are looking into having a group known as Career Track come in twice a month and clean up the trail. We will have to look into getting weed eaters and things like that. The bug hunt on June 29th in memory of Mark Fike, "Meet Marks Friends" was definitely a success and we are looking at making this a yearly event. We had 116 kids come through in 3 hours. We only had 4 no shows and there was thunder in the background. His family participated in the event as well. The kids seemed to have a great time and so did the parents. We gave out back packs filled with all kinds of goodies to each of the children that participated. The Audubon Society is thinking about having it at their new site along Monroe Road. The sign up was completely full within 3 weeks. The condition of the trail is the same as it was several weeks ago. It will take time, but we will get it done.

Jeanette Beer, 141 Doyle Road stated that I sent a letter that I think was emailed/forwarded to the Supervisors regarding a sink hole along Doyle Road, and she was told that the storm drain is crushed. Ron Zampogna stated that he is aware of the situation. Ken Howard stated that he met with her husband and that the Road Department is going to jet out the pipes. So, it is on the list of things that will be addressed.

Lisa Hetrick, 173 Howes Run Road stated that she was at the meeting in March. Ken Howard came out to her property to check out the issue with the drainage from the neighbor's property. Bankson Engineers sent a report to her. She wanted to know if the proper permits were received for the contractor that did the work on the property next to hers that was causing so many issues. She also discussed several issues that are happening with her property because of the property beside her. She asked Ken if he had been in contact with the property owners yet? Ken replied that he hadn't and was asking Atty. Lutz what the next step would be. Atty. Lutz stated that we'll take a look at it and talk with Brian. Lisa stated that this is Howes Run Road and it has never been flooded before nor has this area ever filled with water. This is a safety issue. This is a huge concern and is causing serious erosion to my property. Lisa asked if she can expect any timeline or time frame? Atty. Lutz stated that generally if someone diverts water on their property through some type of construction, they are responsible. If it is coming onto township property, then this is something that needs to be addressed. Atty. Lutz stated that we will take a look at it. Lisa stated that I believe the Ordinance states that you cannot have drainage from their property drain onto your neighbor's property. So, who is responsible for enforcing that in the township? Atty. Lutz stated if it is township property then we would have to take care of it but, if it is between two private homeowners then they would have to take care of it. Lisa stated that there are 3 catch basins and that pipe runs into them. Who approved the cross drain coming from the property next to mine? It comes from Singleton Road onto Howes Run Road. Atty. Lutz stated that we'll take a look at it and talk with Brian. He is involved in this and I will talk with him.

Cal Hetrick, 180 Howes Run Road stated that I am speaking to the same problem but first I want to discuss that on the other side of the road there is an exposed gas pipe along and trees have fallen because of the erosion from the storms. I was looking at this Stormwater Ordinance and on page 14 it says in section G. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated

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discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge. They do discharge onto their property but by the time it gets another 50 to 75 yards or so it is on Lisa's property. What really needs to be done to stop that from flooding, you couldn't even drive a car through there. That is how deep that water was. What needs to be done is a larger pipe put under Howes Run Road so that it doesn't back up and so if this concentration does come down it dissipates and runs down to Bull Creek and to the Allegheny River. Who contacts Reimer Gas regarding the exposed pipes? There are 2 lines that are exposed and just laying there where the water comes out. Lisa stated that there were rocks there and they washed away and are no longer there. That is how much water went through there. Cal stated that the Ordinance states that somebody cannot discharge onto somebody else's property, right? Unless they have an agreement. Atty. Lutz stated if they violated our Ordinance then we will have to look at it. Cal stated that 161 Singleton Road also has a discharge that we didn't know was there. So, the lot above 163 Singleton is also discharging water into the same area. Ron Zampogna stated that Atty. Lutz' office will look into the owner and the township will check into it for sure.

Matthew Mahlmeister, 402 Bear Creek Road stated that I was here last month about Bear Creek and Sarver Road washing out and the storm basin. Over the past month I appreciate Mr. Roenigk coming out along with some of the Road Crew guys but nothing has been resolved. I have been in contact with Mr. Roenigk, Representative Jeff Pyle's Office and also Penn DOT. Even with moderate rains we are still suffering water build up on our road. A lot of it seems to be falling back on another property owner's water runoff. I can't say that for sure, but I know other people are saying that. It is hard not to when you have a large building and a blacktopped driveway and that is coming down onto your guy's township road. The other problem is we have an outdated, dilapidated stormwater runoff system. It is not sized for the number of houses. This stuff was put in before Mr. Roenigk was a Township Supervisor from what he is telling me. He became a supervisor in 1977. We can't expect something that was put there in the 1960's to work in 2019. We have more blacktop; we have more houses. Is there anything they can change? I was on the phone with Brett, Assistant Supervisor with Penn DOT early this morning. We keep running into the problem that Sarver is a State Road and the Township can't do nothing there, but Brett said that if the Township completes the proper paperwork that it can be done but he also stated that we need to fix the water run of coming from the farmers field and the property with the large garage and the parking lot along Bear Creek Road and the water run off on Sarver Road. If the township would do something along Bear Creek Road, then Penn DOT would have to come out and change what they have going on there as well. The storm basin along Bear Creek Road drains onto personal property. It drains under my neighbors' home and apparently those neighbors are the ones that paid for the pipe and somebody tapped that storm basin into that pipe. I don't know who, I don't know why but there is nothing else that goes down Sarver Road. Brett said that he would be willing to do something along Sarver Road, but he wanted me to come to you and see if there would be a better drainage system that could be put along Bear Creek Road. Ron Zampogna stated so since the last meeting that you brought this to us, you said that Mr. Roenigk was out with the Road Crew and I guess there were some people there with a camera as well. Matt replied, yes, from Arnold Plumbing. Matt stated that the guy from Arnold Plumbing said there were no clogs, there are no restrictions in the pipe but that the pipe is too small to handle all of this water and Penn DOT also said that you have an excessive amount of water. You can't expect 16-inch pipe to handle all that water and that is where I am having all of the problems when that drain fills across Bear Creek and overflows onto my property. What I can't wrap my mind around is that catch basin is at a higher elevation than the one that is on the corner of Sarver Road and the one at Sarver Road has 3 different feeders into it.

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The one across from my property only has one feeder. The one that has 3 feeders will stay 6 inches below the grate but the next to my mailbox will overflow by 14 inches and then crest and cause the road and the intersection to flood out. Ron responded, with regard to your comment about the infrastructure size, when that was put in 45 years ago or so as Mr. Roenigk said, it could be under sized. Albert commented regarding the private property and the pipe that was put in years ago. Matt stated that you guys are proving my point, we have to change with the times. Ron replied, in addition to us using the camera, we know that it is open. Matt replied, yes, but I wish it were clogged and that would have solved the issue. Ron replied that is a valid point. I believe Mr. Howard had some interaction with the property owner that is above. Ken Howard stated yes; we have been in contact with the engineer of the upstream landowner who has been constructing some sight improvements there where the big garage is. We got an email back from their engineer today which states that the contractor will be back on-site tomorrow to construct the stormwater management rock pits that were permitted on that site beginning that construction effort tomorrow. We are hopeful that they will get their construction completed and that the rock pits that have been permitted will be installed properly and that should help reduce this problem. That effort has been taken and we have a promise from them that they will be on site. Matt Malmeister stated that when he was talking with Brent from Penn DOT this morning, he said that his supervisor was on the phone speaking with you? Ken replied yes. Matt asked what came about with that? Ken replied, I did speak to his boss this morning, the Maintenance Manager for this district at the Penn DOT office. They acknowledged that the waters coming from these storm events that we have been having have just exceeded the capacity of many of the piping systems all throughout the whole region. That there is no way feasible to build pipes large enough to take the storm events that we have been having and the best we can do is try to make improvements and try to keep our pipes open and to address those situations as they arise the best we can. A 15" pipe is normally what you see in a township storm sewer. That is the minimum we put in; I believe that is what the size of the pipe is that is in front of your area. Albert asked, you mean the one crossing Bear Creek Road. Ken answered, 15. It very well could be that if it was a 24" pipe in diameter it may take more stormwater, but we may get a 500-year storm and you may still get flooded with a 24" storm pipe. We are trying to get the neighbor upstream to take care of his stormwater pits as required and get his ground seeded so that it is covered with vegetation. We believe that this is going to help. We will look at the storm sewer along Bear Creek and see if it could be upsized that may be another option for us. I don't believe Penn DOT will be doing anything out here from my conversation with them. Albert asked what size of pipe is under the house? Matt answered; I believe it is a 24" pipe. Ken stated that goes into a stone tunnel that is either 2 or 3 feet square at least or bigger. Ken stated that we are trying to help you the best we can. Again, I don't believe Penn DOT is going to do anything for us based on the conversation I had with the Maintenance Manager this morning. Matt asked if there are any improvements, could we at least get us up to date on some stuff? Ron stated that we have been inundated with calls that have been noted regarding this and our Engineer is working diligently on this and we will do our best taking care of these. As you said a while ago about the \$700,000.00 for the MS4 and we are going to get taxed for it. We only have so much means and trying to do our best with it. Matt interrupted and said this gentleman has this large parking lot and the sedimentation is going onto a township road and obviously there is a creek that has been naturally cut between Mr. Payne's property and Ray's property. Obviously, there is sediment that is coming down from there. You are not controlling that, but you are worried about the 5 housing plans. Ron replied; it is not that we are worrying about the 5 housing plans. The understanding of the MS4 situation, it is a DEP mandate that Buffalo Township has to follow. We happen to fall into that geographical area where we have 5 years to comply with this mandate. Bankson Engineers has been working diligently to get us a plan in place. Believe

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me, we don't want to spend the money anymore that this group wants us to go out and spend the money. If we don't spend the money, then we don't comply and then we don't get our DEP Certification. With that being said, the plan in place as Mr. Howard presented last month is that he has chosen certain projects that are economically beneficial for the township to improve and when we improve that we will get the credit for the 10% reduction. It is not that we are running to these PRD or housing plans, because we are catering to them, that is not the case at all but when they have a stormwater retention pond that is the size of some of these plans then as Ken discussed at the last meeting, if we use the Road Crew to clean out the sedimentation we can get a lot of credit from just that one retention pond and save some money. No matter what, we are going to have a financial burden with this. Matt replied and said I am sure you guys are handling it the best you can but why do the rest of us taxpayers have to pay for it? Why aren't the people in the developments paying for this? Ron replied, Mr. Jackson stated that at the last meeting and I am sure I can hear the ruffles in the crowd right now. Once again, we are not catering to the housing plans, what I am saying is that it is a more doable job versus maybe replacing a mile of drainage where we are digging up road and having to asphalt over it. If we use a retention pond, it is already there, and we are taking silt out and putting up some barriers to create a reservoir which is economically makes sense to do that. We are not catering to these plans, again we are trying to do what is most economical for the township because we are going to run out of money at some point. It is inevitable because we don't have a plethora of money in the account versus what we need. Albert stated that we are trying to get the homeowners in the housing plans to take care of their own retention ponds and this plan has not been approved yet. Matt stated that I swear I read it in the Butler Eagle under township and community that you guys are proposing to raise taxes. Albert replied, no. Ron asked what did the article say? Matt stated that it said something about Buffalo Township was going to raise the taxes to cover an \$800,000.00 to cover the EPA costs. Ron stated, this is the first I am hearing about it, but it is a great story on their part because it sells, and it catches your eye. So, we raised taxes last year because we brought on another police officer, we upgraded one of the trucks for \$75,000.00, we needed to purchase and update some equipment. We did raise the taxes last year and at this point we don't plan on raising them this year. Albert stated, then it was just a letter to the editor. We raised the tax 1 mil which comes to \$20.00 per household now the school district taxes are a whole different topic of discussion but for the municipality it was \$20.00 per household and that's all. We are not really gaining a lot by raising it 1 mil especially when you break it down percentage wise as they like to do in the newspaper. Buffalo Township went from 4.5% to 5.5% they raised it 33% but for us to gain \$20.00 per household isn't gonna give us much for the MS4 or for upgrading any stormwater issues. We are doing our best, I can promise you that. Matt stated that I appreciate all that you have done. I am just asking that you update these systems. Ron replied that the property owner is supposed to start working on it tomorrow and we will continue to evaluate the situation as much as we can. Matt questioned if the property owners don't take care of the issue, then Mr. Lutz what is the next step? Atty. Lutz replied, then Ken will contact me, and we will then do whatever we have to do to enforce it. They have to be complying with our Ordinances. Albert replied not matter what kind of retention we have, once they are filled, they don't get a chance to empty and then more rain comes. Matt stated that from Bear Creek Down there is no drainage to the creek other than this 24-inch pipe. It is not on either side of Sarver Road. Maybe you guys can beg and plead with Penn DOT to maybe drain Sarver Road a little better. Can the township and state work together? Just like you told me to work together with my neighbors to help solve problems. Ron stated that we will have to take it a step at a time.

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Lewis Gish, 128 Crescent Hill Drive asked what the township could do regarding the flooding around my property from the creek. I have lived there 53 years. In the past decade, maybe a little bit more we have been having a problem with flooding. I believe that it is not proper planning regarding run off in this development. There is not enough proper drainage and the ground cannot absorb all of this water and has no place to go. In the past month I have been flooded out twice. Ron asked where the source of the water is? Mr. Gish answered that there is a creek coming to the property and I have lived there 53 years and have never had that problem until the last 10 years or so. Mr. Gish showed some photos that he has from the flooding. It is flooding the road and people are stranded at their homes. Mr. Gish explained more regarding the flooding issue on Crescent Hill Drive and stated that it is only going to get worse. Ken Howard replied that he would take a look at the area. Ron stated that we are documenting these issues and will come out and see if we can come up with some sort of solution.

ADJOURNMENT was on a motion of Gary Risch, seconded by John Zurisko at 9:10 pm. Motion carried. Un
Approval.

APPROVED:

CHAIRMAN

SECRETARY