

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MARCH 11, 2020

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, March 11, 2020, 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 II	Present
Matthew J. Sweeny	Present
Albert T. Roenigk	Present
Gary L. Risch, Sr.	Present
Michael Oehling, Jr.	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) Ron Zampogna, Matthew Sweeny, Albert Roenigk, Gary Risch, Michael Oehling and John Gaydos met for the Annual Road Tour on Sunday, Mar. 1.
- b) Gary Risch attended the Planning Commission Meeting Wednesday, Mar. 4.
- c) The Board of Supervisors met with their Solicitor in the Township Municipal Building on Mar. 11.

APPROVAL OF THE MINUTES of the February 12, 2020, Regular Monthly Meeting of the Buffalo Township Board of Supervisors, as recorded, was on motion of Matt Sweeny, seconded by Albert Roenigk. Motion Carried. Un. Approval.

ACCEPTANCE OF THE TREASURER’S REPORT for February 1-29, 2020 inclusive for audit, was on motion of Michael Oehling, seconded by Matt Sweeny. Motion Carried. Un. Approval.

MONTHLY BILLS

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

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REPORTS

- (1) THE ELECTED TAX COLLECTOR’S REPORT (CARLA GARIA):**
 - **FEBRUARY 2020**: Twp. Real Estate Tax is \$29,267.39, Per Capita @ Penalty is \$22.00, Per Capita @ Discount \$4,037.60
- (2) THE APPOINTED TAX COLLECTOR’S REPORT (BERKHEIMER):**
 - **FEBRUARY 2020**: Earned Income Tax is \$154,095.79, Local Services Tax is \$22,619.06
- (3) THE APPOINTED TAX COLLECTOR’S REPORT (SHARPS):**
 - **FEBRUARY 2020**: Twp. share: \$361.80
- (4) WEEKLY STAMP SALES (DEED TRANSFER’S):**
 - **FEBRUARY 2020**: \$11,200.60
- (5) ZONING OFFICER’S REPORT (RICK HEALEY):**
 - **FEBRUARY 2020**: 13 Permits Issued, 4 Single Family Residences, 0 Residential Addition, 2 Porch/Decks/Roof, 0 Barn, 4 Grading Permits, 1 Trailer, 2 Storage Buildings
Building Permit Fee: \$4,559.25, Mileage: 100, Grading Permit Fee: \$400.00, Lot Development Fund: \$1,367.09
- (6) THE DISTRICT JUSTICE’S REPORT:**
 - **FEBRUARY 2020**: Ordinance & Statute Violations \$199.72, Code Violations \$175.37
- (7) BUFFALO TWP. POLICE REPORT**
 - **FEBRUARY 2020**: Total calls 378

OLD BUSINESS

NESSERROAD CONDITIONAL USE REQUEST FOR SINGLE FAMILY RESIDENCE IN B-2 BUSINESS DISTRICT – APPROVED

A Public Hearing which was advertised and took place prior to the monthly meeting. A Court Stenographer recorded the minutes. Mr. & Mrs. Nesselroad were in attendance. Ron Zampogna asked Ken Howard if everything was in order? Ken replied yes. No public comments or questions.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the Nesselroad Conditional Use requesting single-family residence in a B-2 Central Business District. Motion Carried. Un. Approval.

ADVERTISING FOR OPEN ROAD CREW POSITION – TABLED

Ron Zampogna stated that on advice from legal counsel, we are going to table the advertising for the open Road Crew position until more information has been gathered. Bob Fletcher with the Township Road Department was asked to talk with the workers and figure out a good time in the next week or two for them to all sit down and talk.

On a motion of Gary Risch, seconded by Michael Oehling to table the advertising for the open Road Crew position until more information has been gathered. Motion Carried. Un. Approval.

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Gary Risch stated that before we go into new business, I have a few things I would like to discuss? We had talked about getting those millings. Ron replied, yes. Gary stated we need to decide how much we want to get. Ron asked if they know how much they are going to have for us? Gary answered, I imagine they will have a lot. Matt Sweeny replied, all we want and then some I'm sure. Gary stated, 35 loads will be approximately 770 ton which is about 22 tons per load and that would be around \$5,250.00, 25 loads would be 550 ton and that price would be \$3,750.00. Ron asked Bob Fletcher with the Road Department how much we could take on and not have a problem. Bob replied, around 500 ton to start. Ron replied and then maybe see where we are after that room wise. Bob answered, yes. If we get too much it gets build up and then gets hard. I say if we get 700 ton that should be good. Albert Roenigk commented, it does get hard. Ron replied, that is my only concern and additionally do we have the room for it. Ron asked Chris Zeigler, President of the Trail Council if she would need some. She replied yes. We could use some for the parking area in Sarver and this is great for parking areas. Ron asked Janice if we are alright paying the \$5,250.00 for the millings. Janice replied yes. Gary told Chris that he would give her the contact information so she could make arrangements to place an order.

On a motion of Gary Risch, seconded by Michael Oehling to approve purchasing approximately 700 ton of millings in the amount of approximately \$5,250.00. Motion Carried. Un. Approval.

Gary Risch asked about what we are going to do about the Road Tour? When are we going to decided what we are going to pave, when are we going to pave, or are we going to tar and chip? I talked to John when you guys were down looking at the water problems and stuff and he says that we should keep it together like do the Woodbury and Rambler Drive. Those two plans definitely. Albert replied we looked at Sunny Lane and Crescent Hill. Gary replied we are going to tar and chip Sunny Lane not pave it. Are those the three things we want to do? Ron stated that we should talk about it with the Road Department. Gary replied we need to get the bids out as soon as possible. Gary asked Bob to put something together. Bob asked so Woodbury, Grandvue Plan and Sunny Lane? Gary replied, yes those three definitely. Ron stated, get us a list and we will review them.

Gary asked if he is still allowed to get everything cleaned up around the building. It was discussed in the past and approved. Just wanted to know if I still allowed to go ahead and get this stuff done so we have a place to put the millings? There is a bunch of junk around that needs cleaned up and make it look a little nicer, that's all. Ron replied, okay.

NEW BUSINESS

PERFORMANCE BOND #S322532 REDUCTION REQUEST NO. 2 IN THE AMOUNT OF \$237,444.30 FOR SARVER'S MILL PHASE 5 BY THE MERITAGE GROUP – APPROVED

Ken Howard stated that he has reviewed the request by the Meritage Group and would recommend approval to reduce the bond from \$237,444.30 to 76,474.30. They have completed the installation of the road base, base paving and the storm sewer system. The remaining bond amount would be for the paving once the rest of the homes are built.

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On a motion of Matt Sweeny, seconded by Gary Risch to approve performance bond #S322532 Reduction request No. 2 in the amount of \$237,444.30 to be reduced to \$76,474.30 for Sarver's Mill Phase 5 by the Meritage Group. Motion Carried. Un. Approval.

BUTLER LIONS CLUB REQUEST TO USE THE TRAIL FROM FATHER MARINARO PARK TO VOGLEYVILLE ROAD ON OCTOBER 5TH, 2020 – APPROVED

Ron asked Chris if that date worked for her. Chris replied yes it does and actually one of my volunteers who is on the Lions Club. He asked if they could use it. It is a good fit. Normally they go to the Alameda Park but we would like the Trail to be used. The benefits for that race will go to the Blind Association Vehicle Fund and then there is a group called Envision Blind Sports that will be involved in the race itself. Good group, well organized. I am going to suggest that we do a standardized form for anybody that requests to use the trail so that we have a paper trail and they can say exactly what section they will be planning on using. The trail is so long that we could have several events going on at one time. So, if we do a standardized form then we can easily schedule that. Ron asked if she had worked with Atty. Lutz' office in regard to that form? Chris replied yes, it is a standard waiver that Larry has already looked at. I would recommend that every group use that waiver but we need to have all entities involved named on it. We want to make sure that everybody is covered on this. Ron asked if Chris could provide the form and she said yes, she has one at home. Ron asked if it could be put on the township website and asked if Chris could get the form to Rhonda so she could put it on the website. Chris replied yes and we will put it on our website as well. So, when someone says they want to do a race or have any event on the trail, they must complete this form or permission won't be granted.

On a motion of Michael Oehling, seconded by Matt Sweeny to approve the Butler Lions Club request to use the Butler-Freeport Community Trail from Father Marinaro Park to Vogleyville Road on October 5, 2020. Motion Carried. Un. Approval.

BUTLER-FREEPORT COMMUNITY TRAIL COUNCIL REQUEST FOR PERMISSION TO PLACE COOPER'S STATION CABOOSE BETWEEN THE LOT AND PAVILLION IN CABOT – APPROVED

Chris Zeigler stated that the Trail Council purchased the Cooper Station Caboose from the former Cooper Station Restaurant. We have been looking at that Caboose for years. It was our dream to have it. The building is under new ownership and the train theme will no longer be used. They could've gotten more money for it but they wanted it to stay in the community. The Cooper Station Caboose's new location will be in Cabot. Gary asked who will be moving it? Chris replied, Bob. We do carry liability insurance for the trail already so we will just add it to the policy.

On a motion of Matt Sweeny, seconded by Albert Roenigk to approve the Butler-Freeport Community Trail Councils request to place Cooper's Station Caboose between the lot and pavilion in Cabot. Motion Carried. Un. Approval.

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PARKS AND RECREATION COMMITTEE REQUEST FOR PERMISSION TO HAVE THEIR 10TH ANNUAL VETERANS DAY 5K/10K RACE ON NOVEMBER 7, 2020 ALONG THE BUTLER-FREEPORT COMMUNITY TRAIL – APPROVED

Terry Tague stated that we will be doing the same thing as we have done the past 10 years. This will be benefiting our 2 fire companies and support Veterans and their families in the tri-state area. Ron asked Chris if this will interfere with anything. Chris replied no. Renee Alchier with the Audubon Society stated that no one is permitted to use the park site this year.

On a motion of Michael Oehling, seconded by Albert Roenigk to approve the Parks & Recreation Committee's request to use the Butler-Freeport Community Trail for their Veteran's 5K/10K Race on November 7, 2020. Motion Carried. Un. Approval.

FREEPORT INTERNATIONAL BASEBALL INVITATIONAL ASKING PERMISSION TO USE A 1 MILE SECTION OF THE BUTLER-FREEPORT COMMUNITY TRAIL FOR THE ADDITION OF A 10K RACE IN CONJUNCTION WITH THE JOHNNY COSSY 5K RACE ON JULY 25TH, 2020 – APPROVED

Ron asked if anyone was here to speak on this? Nobody was in attendance. Ron asked Chris if this would be okay. Chris stated yes, as long as they don't park on anyone else's property.

On a motion of Matt Sweeny, seconded by Albert Roenigk to approve the Freeport International Baseball Invitational's request to use the Butler-Freeport Community Trail for the addition of a 10K Race in conjunction with the Johnny Cossy 5K Race on July 25, 2020. Motion Carried. Un. Approval.

PURCHASE OF WELDER FOR ROAD DEPARTMENT – APPROVED

Gary Risch stated that Winfield Township has a welder and then asked Heath, Winfield Twp. Road Master if he could talk about it. Heath answered that it is a Lincoln 170 MiG Welder. We are selling it because we were in need of a larger welder and did purchased a new one. Ron asked Bob if anyone in the Road Department knows how to use it? Bob replied, yes. Ron asked how much they are selling it for? Gary replied, \$300.00.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the purchase of a welder from Winfield Township in the amount of \$300.00 for the Road Department's use. Motion Carried. Un. Approval.

BUTLER COUNTY PROPERTY & REVENUE DELINQUENT TAX SALE OF PARCEL NO. 040-SX-00000005 - APPROVED

Atty. Brian Farrington we were contacted by Butler County Property and Revenue that there is an individual looking to buy this parcel. It is solely subsurface there are no above ground rights to this. It is delinquent by \$93,000.00 in taxes. The County pretty much, there is no objection that we can have as far as the sale price which is \$600.00. That doesn't count them as a compelling reason to intervene. It does have the benefit of putting this property back on the tax rolls. So, the new owner will be responsible for paying the taxes on this property. Our office's recommendation is that you approve this sale. Ron Zampogna asked if anyone had any questions regarding the sale of this property? Someone asked where the property is located? The reply from the Board as well as the Atty. Farrington was, that

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is a good question. Atty. Farrington it is subsurface and we started looking into where it is but there are many deeds that involve this parcel and it would have taken pretty much a full search in order to locate it. Based on it being subsurface and our initial review, it is not like any one will be coming in tomorrow and put a mine right here along 356. It doesn't change the fact that if you want to mine the tract of land you are buying you have to follow all of the Township regulations, DEP regulations and Engineers regulations. It's likely that someone was just watching what properties were on the delinquent tax rolls and thought they would buy it. Unfortunately, we aren't in a position to object to the county about the sale. So, this gets back on the tax roll for the school district, the township and the county. Someone asked how this can be done if you're not sure where it is? Ron replied, it sounds like the county doesn't even know where it is by the deeds. Atty. Farrington replied, in short, it will be up to them to locate where the property is because it doesn't show up on the county GIS Maps. The only way to find it would be to go back through and do a full title search, go back in time. Some of these deeds are from the early 1900's. Bob Fletcher asked if the property was possibly located over off of Thompson Road. Atty. Farrington replied it was property previously owned by Penn Allegheny Coal Company. Albert Roenigk commented as did several other people.

On a motion of Gary Risch, seconded by Michael Oehling to approve Butler County Property & Revenue Delinquent Tax Sale of Parcel No. 040-SX-00000005. Motion Carried. Un. Approval.

DISCUSSION REGARDING ASSIGNMENT OF DEVELOPER'S AGREEMENT AND LAND DEVELOPMENT APPROVAL FROM WEAVER MASTER BUILDERS, INC. TO HERITAGE CROSSINGS PARTNERS, L.P. - APPROVED

Atty. Brian Farrington explained that this is just a formality. Weaver Master Builders who is putting in Heritage Crossing want to move essentially their Developer's Agreement obligations from Weaver Master Builder's Inc. to Heritage Crossings Partners L.P. which is their single purpose entity for that development. They would still be responsible for complying with all of the township ordinances and all of the financial obligations. There is no problem from our office's prospective and we would recommend approval.

On a motion of Matt Sweeny, seconded by Gary Risch to approve the assignment of the Developers Agreement and Land Development approval from Weaver Master Builder, Inc. to Heritage Crossings Partners, L.P. Motion Carried. Un. Approval.

APPLICATION FOR DCNR GRANT FOR BUTLER-FREEPORT COMMUNITY TRAIL - APPROVED

Ken Howard stated in the past last fall of 2019 the township applied for Multimodal funding for improvements on the Butler-Freeport Community Trail from Winfield Road to Marwood Road. What we are looking for at this time with Chris's insight, help and guidance is if we could apply for the DCNR Grant, the application period is open for another couple of weeks, for that same project area. If we don't get funded by the Multimodal there is a chance that we could be funded by the DCNR Grant or if we would get funded by both, we could use one for the match for the other. We are just making that request if the Board would like us to put the application together, it would basically be the same project that we have already applied to for the Multimodal Project. This application is due on April 22nd, so we would need to move forward with the application process. Ron asked if there is a max amount that we can apply for? Ken stated that the Multimodal Project we submitted for was for \$335,000.00 and the

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match was \$70-80,000.00. The DCNR Grant is 80/20. Chris Zeigler stated that for municipalities there are 2 programs. One is the Keystone which is 50/50 and there is an 80/20 program as well. I would do the 80/20 but the pot for the 50/50 is bigger but I don't see a need to increase our match. I am comfortable with the 80/20. It has been many years since the trail has received funding from the DCNR and I feel that the chances would be better with the 80/20.

On a motion of Gary Risch, seconded by Matt Sweeny to approve applying for the DCNR Grant for the Butler-Freeport Community Trail. Motion Carried. Un. Approval.

LAND DEVELOPMENT

TWIN OAKS PRD NO. 1 PHASE 2 – REVISED FINAL SITE/SUBDIVISION PLAN

Lennon, Smith, Souleret Engineering Inc. is submitting revisions to the proposed Twin Oaks PRD No. 1 Phase 2 Revised Final Site/Subdivision Plan located on 44 acres on the eastern side of Hepler Road in Buffalo Township, Butler County, PA. The Tentative PRD approval was granted in 2016 for 98 single-family homes (AKA Rolling Ridge). In 2017, Phase One was granted Final approval and construction was initiated. The Tentative Approval called for 37 lots in Phase One, 21 lots in Phase 2 and 40 lots in Phase 3. Due to the rate of lot sales, the developer will be constructing the original Phase Three as the new Phase Two. The prior Phase Two will now become Phase 3. The basic layout of the lots and number of lots for Phase 2 formally Phase 3 has not changed. The PRD Site Data Chart has been updated with the new phasing. The cumulative density and percentage of open space still falls in the allowable PRD standards.

The Township office is in receipt of the Application (submission from April 29, 2019), Filing Fee (submission from April 29, 2019), 5 copies for Revised Plan, Butler County Planning Commission comments (submission from 5/16/19). The Municipal Authority comments received 1/24/20; Plans were previously submitted to the Authority for construction of water and sewage and were approved on November 13, 2019. The revised plans submitted January 2020 are missing pages 5 of 14 and 11 of 14, which outline sanitary sewer profiles and details. The Authority requests that the Developer resubmit construction plans for sanitary sewage if there has been a change. Otherwise, pending approval from the Township, the Developer will need to enter into a Developer's Agreement for water and sewage prior to construction. Bankson Engineer comment letter received 3/2/2020. Planning Commission comment letter received from Atty. Joe Charlton 3/5/2020; The Planning Commission is recommending that the Board of Supervisors grant Conditional Preliminary Approval contingent upon the Developer meeting the remaining comments and recommendations found in the Bankson Engineer review letter dated 3/2/2020.

John Wright with Lennon, Smith, Souleret Engineering shared some information regarding the Twin Oaks PRD No. 1 Phase 2. Ken Howard stated that they have satisfied our comments with regards to calculations and submittals. There were a few outstanding items listed in our letter from last week at the Planning Commission Meeting. They do need to obtain a major amendment approval of the NPDES permit from the DEP. That is pending. We have had meetings with the DEP. Ouch and I attended meetings in Butler with the DEP and it does sound like they are going to move forward and issue their permit for their amendment. Ken asked John Wright to share information regarding this. John stated

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that is in the review process. They had a couple questions and we have to schedule a final meeting. We do have the permit in place. One major change is that we got rid of the rain garden and this is what is causing a lot of the hubbub. We have to go through a little bit more of an application process. Ken stated that another outstanding item is the Fee in Lieu of and that was a discussion that we had at last weeks Planning Commission meeting and that needs to be listed as a condition of approval. The Developer's Agreement that would be in place for this Phase if there isn't one already and a bond would have to be posted for the improvements of the roadway and stormwater system. If those could listed as conditions, then we could recommend approval. Don Graham, legal council for the John Allen Jr. Family Trust. On the Fee in Lieu of it is my understanding technically that the MPC requires that as the building permits are issued, my understanding is you are willing to consider something that would be not all of the Fee in Lieu of's upfront but a payment in certain blocks. Is that something that you would be willing to accept? We would be willing to do this as opposed to paying for all 40 lots upfront. Ron Zampogna asked what they had in mind as far as the Fee in Lieu of? Mr. Graham answered, 5 lots at a time. We would pay for 5 lots and then move onto the next 5 lots and so on. Albert asked if it would be for a specific 5 lots. Ken stated that Municipality would get payment when the 5 Building Packets were submitted to the township, so it would be tied to those 5 lots. Atty. Farrington stated that as long as it would be 5 at a time. Each group would be submitted in batches of 5 and we would be receiving those Fee in Lieu of in those amounts. This would have to be clearly stated in the Developer's Agreement. That way the parties would understand their obligations. When this was in front of the Planning Commission, I think that Bankson's recommendation was for Final Preliminary Approval and that was based upon the fact that you were going to go about this in a way that were going to construct municipal improvements as you went along. Here today, since you are doing the bond, we are considering to be a Final Approval, not Preliminary Approval.

On a motion of Gary Risch, seconded by Michael Oehling to grant Final Approval to the Twin Oaks PRD No. 1 Phase 2 contingent upon Bankson Engineer comment letter as well as the execution of the Developer's Agreement containing any Fee in Lieu of Conditions and the posting of a bond. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Jim Riddle, 178 Smith Road was in attendance regarding his farm which is in the Ag. Security area. He was asking for a letter from the township stating that his entire farm is in Ag. Security. He stated that for some reason when his property was recorded, the property at 175 Smith Road has the house on it which is 7 acres and is still part of his farm but was not recorded as being in the Ag. Security Area. His entire 96-acre farm is on two separate parcels. The state of Pennsylvania will buy the entire farm as long as it is in Ag. Security but the way it is now they will only purchase the 89 acres. Atty. Brian Farrington took Mr. Riddles information and said that he would look into this and get back in touch with him.

Terry Tague with the Parks and Recreation Committee thanked the Audubon Society of Western Pennsylvania for all they do for the township.

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Renee Alchier with the Audubon Society shared information regarding several events happening with the Audubon Society. We will be doing litter clean up along Monroe Road on Saturday, April 4th from 10 am – Noon. Volunteers are needed to help with the cleanup. On April 18th from 9 am – noon, the Audubon will be celebrating Earth Day by planting trees at the Todd Nature Reserve. Volunteers are welcome. Also, on Saturday, April 25th, from 9 am - noon and from noon until 3 pm volunteers will be needed to plant trees along Cornplanter Run in Armstrong County to improve water quality and habitat. You can either call or register on line. The flyers will be posted here at the township office and there are some in the back of the room tonight. As far as the park goes we are moving forward.

Bob Fletcher with the Road Department thanked the Municipal Authority for the use of their Vacuum/water jet and suggested that the township buy a sweeper with a vacuum on the back.

Chris Zeigler, Chairperson for the Trail Council shared information regarding the Wildflower Walk that will be taking place on Saturday, April 25th. They will be purchasing a dump trailer with grant money they have received and asked Terry Tague with the Parks and Recreation Committee to have the signs in place along the Shuster property by April 1st so that they are in place for the first day of trout.

ADJOURNMENT was on a motion of Gary Risch, seconded by Matt Sweeny at 8:20 pm. Motion carried. Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY