

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, August 12, 2020, via video conference 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.

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**ANNOUNCEMENT OF EXECUTIVE SESSIONS; PERSONNEL; AND/OR INFO-GATHERING MEETINGS OF THE BOARD**

- a) The Board of Supervisors met with their Solicitor via Video Conference for an Executive Session regarding personnel matters on Aug. 12

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**PUBLIC COMMENTS REGARDING AGENDA ITEMS**

There were no comments regarding Agenda Items from the public.

**APPROVAL OF THE MINUTES** of the July 8, 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 July 1-31, 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 Albert Roenigk to pay the monthly bills. Motion Carried. Un. Approval.

**REPORTS**

- (1) THE ELECTED TAX COLLECTOR’S REPORT (CARLA GARIA):**
  - **JULY 2020:** Twp. Real Estate Tax is \$166.08, Per Capita @ Face is \$140.00
- (2) THE APPOINTED TAX COLLECTOR’S REPORT (BERKHEIMER):**
  - **JULY 2020:** Earned Income Tax is \$53,151.35, Local Services Tax is \$5,184.10
- (3) THE APPOINTED TAX COLLECTOR’S REPORT (SHARPS):**
  - **JULY 2020:** Twp. share: \$102.50

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

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

- **JULY 2020:** \$24,592.21

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

- **JULY 2020:** 27 Permits Issued, 6 Single Family Residences, 2 Residential Addition, 4 Porch/Decks/Roof, 4 Storage Buildings, 6 Pools, 1 Carport, 4 Grading Permits  
Building Permit Fee: \$7,670.86, Mileage: 131, Grading Permit Fee: \$248.10,  
Lot Development Fund: \$2,734.18

**(6) THE DISTRICT JUSTICE'S REPORT:**

- **JULY 2020:** Ordinance & Statute Violations \$1,262.78, Code Violations \$47.97

**(7) BUFFALO TWP. POLICE REPORT**

- **JULY 2020:** Total calls 134

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**OLD BUSINESS**

**JOHN M. ALLEN JR. FAMILY TRUST BOND REDUCTION REQUEST FOR TWIN OAKS PRD NO. 1 PHASE 1 IN THE AMOUNT DOWN TO \$116,077.94 - APPROVED**

On a motion of Albert Roenigk, seconded by Michael Oehling to approve the John M. Allen Jr. Family Trust Bond Reduction Request for Twin Oaks PRD No. 1 Phase 1 in the amount down to \$116,077.94. Motion Carried. Un. Approval.

**MOTION TO REAPPROVE TWIN OAKS PRD NO. 1 PHASE 2 – REAPPROVED**

Atty. Brian Farrington stated that this was originally approved in March but since it was past the 90 days of recording, it needed to be reapproved to be recorded.

On a motion of Albert Roenigk, seconded by Matt Sweeny to reapprove Twin Oaks PRD No. 1 Phase 2. Motion Carried. Un. Approval.

**MOTION TO REAPPROVE TWIN OAKS PRD NO. 1 PHASE 3 – REAPPROVED**

Atty. Brian Farrington stated that this was originally in May and is now 1 day over the 90 days of recording, it needed to be reapproved to be recorded.

On a motion of Matt Sweeny, seconded by Albert Roenigk to reapprove Twin Oaks PRD No. 1 Phase 3. Motion Carried. Un. Approval.

Atty. Lutz told Janice L. Zubrin, Buffalo Township Secretary/Treasurer that he had the plans and that he would drop them off in the morning to be signed. They would need signed where noted.

**REAPPROVAL OF FINAL SITE PLAN & LOT LINE REVISION FOR BUFFALO CREEK NATURE CENTER – REAPPROVED**

Atty. Farrington stated that there were some issues with the recording of this plan at the recorder's office as well so it also needs reapproved.

On a motion of Michael Oehling, seconded by Matt Sweeny to reapprove the Final Site Plan & Lot Line Revision for the Buffalo Creek Nature Center. Motion Carried. Un. Approval.

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

**NEW BUSINESS**

**RESOLUTION #2020-10 EXTENDING THE PERIOD FOR FACE-VALUE PROPERTY TAX PAYMENTS FROM JUNE 30, 2020 TO NOVEMBER 30, 2020 – ADOPTED**

Atty. Farrington explained that this is a state and county wide Resolution regarding the extension of property taxes to help homeowners out due to the COVID-19 Pandemic that was sent to the townships in April. Atty. Farrington worked with Carla Garia, Twp. Tax Collector with getting this set up.

On a motion of Michael Oehling, seconded by Matt Sweeny to approve Resolution #2020-10. Motion Carried. Un. Approval.

**RETROACTIVE PURCHASE OF 2021 FORD POLICE INTERCEPTOR SUV 4 DOOR AWD IN THE AMOUNT OF \$37,948.64 – RETROACTIVELY APPROVED**

Gary Risch stated that the police department does a rotation of the cruisers. It took 10 months to get the newest cruiser. This cruiser was going to cost \$44,000.00 but with trade in they deducted \$7,000.00. There was not bid requirement because it was purchased through Co-Stars.

On a motion of Matt Sweeny, seconded by Gary Risch to retroactively approve the purchase of a 2021 Ford Police Interceptor SUV 4 Door AWD in the amount of \$37,948.64. Motion Carried. Un. Approval.

**ADVERTISING & SETTING DATE FOR INTERMUNICIPAL LIQUOR LICENSE TRANSFER – APPROVED**

Atty. Farrington stated that Giant Eagle is requesting a liquor license transfer from a store in Mars so that they can serve alcohol at a small café in their store. They will need to have a Public Hearing to do this and a date and time will need to be set.

On a motion of Gary Risch, seconded by Michael Oehling to advertise and set date for intermunicipal liquor license transfer for September 9, 2020 at 7:00 pm. Motion Carried. Un. Approval.

**DISCUSSION/MOTION TO APPROVE APPOINTMENT OF ATTORNEY STEPHEN YAKOPEC AS SOLICITOR FOR THE ZONING HEARING BOARD – APPOINTMENT APPROVED**

Ron Zampogna stated that the former Solicitor to the Zoning Hearing Board retired so we needed to fill his position.

On a motion of Matt Sweeny, seconded by Gary Risch to appoint Attorney Stephen Yakopec as Solicitor for the Zoning Hearing Board. Motion Carried. Un. Approval.

**DISCUSSION REGARDING EQUIPMENT AND TRUCKS**

Ron Zampogna stated that we are in need of equipment upgrades for the Road Department. Gary Risch asked if we could get rid of the 3 trucks that are not being used and the township is still paying insurance on and also get rid of the snow plows before they get too bad and we can't sell them. He suggested selling them on Municibid. Everyone agreed that was a good idea. Gary also suggested donating gravel that the township cannot use to Lernerville since they let the township use the site for

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

the Leaf Drop off location and people are abusing their generosity.

On a motion of Gary Risch, seconded by Michael Oehling to approve giving 5 loads of gravel to Lernerville Speedway . Motion Carried. Un. Approval.

Gary also suggested that we charge \$25.00 per bucket load and people can get gravel that the township cannot use. They would make check's out to the Township and give them to Janice. Atty. Lutz stated that he does not see any issues with doing that.

Matt Sweeny brought up about getting new signs made up with more specific instructions/rewording regarding the Leaf Drop off location and getting new trail cams for security surveillance. Matt Sweeny stated that he would take care of this.

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**LAND DEVELOPMENT**

**REHAK/CAMERLO PLAN LOT LINE REVISION**

Graff Surveying LLC is submitting a proposal for D. Rehak, S. Camerlo and L. Sherry. They are proposing to revise two existing tax parcels totaling 40.77 acres. Parcel number S4-D5 was 30.5 acres and will convey 26.64 acres to parcel S4-G, making the revised acreage 3.86 acres with an existing dwelling. Parcel number S4-G was originally 10.27 acres and will be 36.91 acres after the conveyance.

The Township office has received the application, the filing fee, copies of the plan, the Municipal Authority comment letter rec'd 7/24/2020; MABT does not have public water or sewage service within the vicinity of this project. Bankson Engineer comment letter rec'd 7/31/2020; Bankson Engineers recommends that approval of the subject subdivision plan may be granted at this time.

Ken Howard with Bankson Engineers stated that this is a simple Lot Line Revision and he would recommend approval as presented.

On a motion of Matt Sweeny, seconded by Gary Risch to approve the Rehak/Camerlo Lot Line Revision Plan as presented. Motion Carried. Un. Approval.

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**HOLBEIN, INC. – SELF-SERVICE STORAGE FACILITY – SOUTH PIKE ROAD – PRELIMINARY SITE PLAN**

Gateway Engineers is submitting a proposal for the Holbein, Inc. property located on the south side of South Pike Road (SR 356) on Parcel 040-1F77-5FC in Buffalo Township, Butler County in the Business Zoning District/Access Management Overlay District (B1/B2) on 14.54 acres of Land. The property is being developed as a Self-Service Storage Facility which permits the storage of contactor supplies. The site slopes gradually toward a stream that bisects the property. The stream divides the property into two separate buildable areas. Stormwater runoff generally flows overland through the property to the stream which is an unnamed tributary to Little Buffalo Creek. Stormwater will be managed via two infiltration/stormwater management detention facilities. The site currently consists of

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

previously graded areas and other undisturbed land. The proposed use of the property will not require utilities at this time. There are no endangered species, mine subsidence areas, oil or gas wells, or flood ways on the site.

The Township office is in receipt of the application, filing fee, copies of the plan, Stormwater Management Plan, Municipal Authority comment letter received 6/24/2020; Public water and sewage are currently unavailable to this property. In the event for future development, public water exists across State Route 356. Public sewage service would need further investigated and is not readily available to this site. Bankson Engineer revised comment letter received 7/31/2020, approval with contingencies.

Ken Howard with Bankson Engineers discussed some outstanding items in their review letter. They are suggesting that preliminary approval be granted with contingencies.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the Holbein, Inc. Self-Service Storage Facility Preliminary Site Plan with contingencies. Motion Carried. Un. Approval.

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**OAK CREEK FARMS - JOHN M. ALLEN, JR. FAMILY TRUST PLAN NO. 2 – FINAL SUBDIVISION**

Gateway Engineers is submitting a proposal for the John M. Allen Jr. Family Trust property located along Parker Road. The proposal is to subdivide 28.8 acres from the 108.6 residual tract leaving 2 additional parcel for future development and one lot for a residential dwelling. The property is adjoining and lies south east of the Twin Oaks Development.

The Township office is in receipt of the application, filing fee, copies of the plan, the Municipal Authority comments received 6/24/2020; EDU's were previously approved per Act 537 Planning (letter from DEP dated January 9, 2018) and will need revisited upon submission of the Act 537 Planning Module. Bankson Engineer revised comment letter received 7/31/2020; we have reviewed the application and recommend that approval of the subdivision plan may be granted at this time.

Ken Howard with Bankson Engineers stated that this is a simple subdivision plan and can be approved as presented. This will then be the Oak Creek Farms Subdivision.

On a motion of Matt Sweeny, seconded by Gary Risch to approve the Oak Creek Farm, John M. Allen Jr. Family Trust Plan No. 2 Final Subdivision. Motion Carried. Un. Approval.

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**OAK CREEK FARMS – PARKER ROAD – PRELIMINARY SITE PLAN/CONDITIONAL USE/SUBDIVISION**

Gateway Engineers is submitting a proposal for F & H Property Development, LLC proposed Oak Creek Farms Development located on the south side of South Pike Road (SR 356) on Parcels 040-1F77-8B in Buffalo Township, Butler County in the Single Family Residential District (R-1) on 28.8 acres of land. The property is part of the remnant parcel from the Twin Oaks PRD currently being developed. The Oak Creek Farms site is being developed as a Planned Residential Development (PRD) having 44 lots. Each lot will be an average of 1/3 acre and the PRD will include approximately 10.5 acres of undeveloped open space. The site slopes gradually generally to the south, with the highest point of the property being the tie in to the north at the Twin Oaks Development. Stormwater runoff currently flows overland

## **BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

through the property and ultimately reaches an unnamed tributary to Little Buffalo Creek. Stormwater will be managed via two proposed infiltration/stormwater management detention facilities. The site currently consists of the previously graded areas and other undisturbed land. All lots will be serviced by public water and public sanitary sewer systems owned and operated by Buffalo Township Municipal Authority running along or within the property. There are no endangered species, mine subsidence areas, oil or gas wells, or documented flood ways on the site.

The Township office is in receipt of the application, filing fee, copies of the plan, Stormwater Management Plan, Municipal Authority comment letter received 6/24/2020; Public water and sewage are available. Construction plans for water and sewage will need submitted to the Authority for review. Bankson Engineer revised comment letter received 8/3/2020.

Ken Howard with Bankson Engineers stated that at this time they are seeking Preliminary approval of the Site Plan and requesting that a date and time be set for a Conditional Use Hearing to get approval for the Oak Creek Farm PRD Plan at this time.

On a motion of Matt Sweeny, seconded by Gary Risch to advertise and set date for September 9, 2020 at 6:45 pm for the Oak Creek Farms PRD Conditional Use Hearing. Motion Carried. Un. Approval.

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Gary Risch had questions regarding the purchase of a used truck for the Road Department in the amount of \$20,500.00. I just don't want to miss out on this deal and if we wait until next month it might be gone. Atty. Lutz stated that amount would need bids. Gary replied Janice told me we didn't. Atty. Lutz said it is very close. Matt asked could we get phone bids and possibly approve retroactively at next meeting depending on what we find. Atty. Lutz replied we could.

### **REMARKS FROM THE FLOOR**

Tom & Linda Weymar, 603 Shook Drive were in attendance to discuss issues that they are having with a neighbor who is running a business out of their home in a Residential neighborhood. They asked if this person received a variance to have this business? Ron Zampogna replied no. The Weymar's want to go on record because they are very concerned and oppose of this business being in their residential neighborhood. They are against the burning of construction materials, the endless delivery trucks that are going up and down the road all day long, the 18 wheelers turning around and that are destroying the property, the backup alarms and having to listen to the employees coming and going daily. They would like to know what is going to be done to stop this. Gary Risch stated that he did go back and saw the no trespassing signs that were posted on that property in question and all of the storage buildings. He also apologized to the Weymar family for this and stated that the township is going to try to get this resolved. Atty. Brian Farrington stated that just this evening they appointed Atty. Stephen Yakopec as the Solicitor to the Zoning Hearing Board. He and Atty. Yakopec will be discussing this situation and then there will be a Public Hearing in front of the Zoning Hearing Board regarding the property in question which is at 2175 & 2179 Garden Way. Mr. & Mrs. Weymar asked about the procedure and Atty. Farrington explained. Mr. David Benini, 633 Shook Drive stated that his property also borders the business in question and that he is tired of the burning of commercial waste and nothing being done about it. The smoke and ash are going everywhere and it is hard to breathe. On July 11<sup>th</sup>, 2020 they were burning and even with his windows closed, it is still going into his home. They cut down a tree and

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – AUGUST 12, 2020**

it fell onto his property. They pushed a pile of dirt onto his property and then argued with him regarding where the property lines were located. They are trespassing onto his property and they just don't care. Atty. Farrington asked to verify the date the burning was going on and said that he would discuss this with the Nussbaumer's Attorney whom he has been in contact with. Atty. Farrington stated that they will be notified when the Zoning Board will be holding the Public Hearing.

**ADJOURNMENT** was on a motion of Gary Risch, seconded by Michael Oehling at 8:30 pm.  
Motion carried. Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**