

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – NOVEMBER 11, 2020**

**AND**

**PRESENTATION OF THE 2021 BUFFALO TOWNSHIP BUDGET OF ALL FUNDS**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors and Presentation of the 2021 Buffalo Township Budget of All Funds was held Wednesday, November 11, 2020, via video conference and convened at 7:30 pm. The Meeting was called to order by 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 Vice-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) Gary Risch attended the Planning Commission Meeting via Zoom Video Conference on Wednesday, Nov. 4.
- b) The Board of Supervisors met with their Solicitor via Video Conference for an Executive Session regarding personnel matters on Nov. 11.

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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 October 14, 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 October 1-31, 2020 inclusive for audit, was on motion of Matt Sweeny, seconded by Michael Oehling. 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.

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – NOVEMBER 11, 2020**

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**PROPOSED 2021 BUDGET OF ALL FUNDS**

Ron Zampogna stated we had a budget workshop on October 11, 2020 here at the Township Municipal Building. The proposed 2021 Buffalo Township Budget of All Funds has been prepared and will be posted tomorrow on the bulletin board at the Municipal Building Lobby and will remain posted for 20 days. Township residents are invited and encouraged to review the proposed budget and to submit written and/oral questions and comments to the Supervisors, regarding the proposed 2021 line-item allocations. Budget Hearing/Adoption will be part of the December 9, 2020 Regular Monthly Meeting. As I stated, the 2021 budget will be posted tomorrow in the Lobby on the bulletin board for the next 20 days. Does anyone have any questions regarding the Budget?

**REPORTS**

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

- **OCTOBER 2020:** Twp. Real Estate Tax is \$1,009.36, Per Capita @ Face is \$180.00  
Per Capita @ Penalty is \$11.00

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

- **OCTOBER 2020:** Earned Income Tax is \$46,573.58, Local Services Tax is \$3,387.82

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

- **OCTOBER 2020:** Twp. share: \$127.50

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

- **OCTOBER 2020:** \$21,864.13

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

- **OCTOBER 2020:** 48 Permits Issued, 1 Single Family Residences, 16 Multi Family Residences, 4 Porch/Decks/Roof, 3 Storage Buildings, 1 Commercial Building, 20 Grading Permits, 1 Pools, 1 Sign, 1 Demolition, Building Permit Fee: \$13,254.75, Mileage: 166, Grading Permit Fee: \$390.00, Lot Development Fund: \$400.00

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

- **OCTOBER 2020:** Ordinance & Statute Violations \$1,045.31, Code Violations \$112.50

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

- **OCTOBER 2020:** Total calls 155

**(8) BUFFALO VFC, CHIEF'S REPORT**

- **OCTOBER 2020:** Calls for month 00, Fire related calls 00, Medicals 0, Calls out of Twp. 0, Calls out of Twp. for year 00, Total calls for Year 000, Fire Damage for month \$0.00, Fire Damage for year \$0.00

**(9) SARVER VFC, CHIEF'S REPORT**

- **OCTOBER 2020:** Calls for month 00, Fire related calls 00, Medicals 0, Calls out of Twp. 0, Calls out of Twp. for year 00, Total calls for Year 000, Fire Damage for month \$0.00, Fire Damage for year \$0.00

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**OLD BUSINESS**

**AUDUBON SOCIETY PLAN – REAPPROVED**

Ken Howard with Bankson Engineers stated this plan was previously approved but was not recorded in the 90-day time period which is required by the recorder of deeds office. So, it just needs reapproved to update the date of approval for recording.

On a motion of Albert Roenigk, seconded by Matt Sweeny to reapprove the Audubon Society Plan. Motion Carried. Un. Approval.

Gary Risch asked if anyone had been down there lately and stated that they have been doing a lot of work down there. They stated tearing the building down. Ron replied that he has been past and they are making progress and hopefully the weather holds up so they can get something going down there by summer.

**AWARDING OF ANTI-SKID CONTRACT TO MCCLYMONDS – AWARDED & APPROVED**

Ron Zampogna stated we received some bids about 6 weeks ago and unfortunately McClymond's was our only bid. We did some homework and it was a fair bid. Janice spoke and said that there were also three (3) phone bids which we were required to have but McClymond's was the low bidder.

On a motion of Albert Roenigk, seconded by Michael Oehling to award the Anti-Skid contract to McClymond's. Motion Carried. Un. Approval.

**NEW BUSINESS**

**RESIGNATION LETTER FROM HARRY CRYTZER – ACCEPTED**

Ron Zampogna read the resignation letter from Harry Crytzer and the Board of Supervisors thanked Harry for his years of service as a member of the Zoning Hearing Board.

On a motion of Gary Risch, seconded by Matt Sweeny to accept with regret Harry Crytzer's resignation letter as Chairman of the Zoning Hearing Board. Motion Carried. Un. Approval.

**DISCUSSION REGARDING ZONING HEARING BOARD & APPOINTMENT OF NEW MEMBERS – APPROVED**

Ron Zampogna stated that the Zoning Hearing Board is comprised of 3 members. Alan Kersten, Harry Crytzer and Clayton Holbein. Harry Crytzer has just resigned and Clayton Holbein has moved out of the Township which makes him ineligible to serve on the board. Which leaves two openings. We have two potential candidates to fill those roles. Mr. Ed Wozniak and Mr. Hugh Rumbaugh. Mr. Hugh Rumbaugh is here tonight.

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – NOVEMBER 11, 2020**

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On a motion of Gary Risch, seconded by Matt Sweeny to appoint Edward Wozniak and Hugh Rumbaugh as new members to the Zoning Hearing Board. Motion Carried. Un. Approval.

Ron Zampogna stated that since Mr. Crytzer was the Chairman of the Board we need to appoint a new Chairman. We have a hearing that is coming up in the next week and a half so with the board now comprised of Mr. Kersten, Mr. Wozniak and Mr. Rumbaugh, we need to appoint a new chairman to that board.

On a motion of Albert Roenigk, seconded by Michael Oehling to appoint Alan Kersten as the Chairman of the Zoning Hearing Board. Motion Carried. Un. Approval.

**DISCUSSION REGARDING LEAF DROP OFF LOCATION AT LERNERVILLE SPEEDWAY**

Ron Zampogna stated that Lernerville has been gracious enough to let the township residents dump leaves on their property but unfortunately people are abusing this privilege and are dumping more than just their leaves there. We are now going to take the initiative to post some signs with specific instructions regarding the leaf drop off guidelines. Mr. Bruce Cooper will be making up some new signs for us and we will post the new signage on the Lernerville property. We do appreciate Lernerville Speedway working with us and permitting us to use their property as the township's leaf drop off location because we need a place to do that per State Law. Please dump leaves and only leaves there out of respect and permission that they have given us.

**DISCUSSION REGARDING TOWNSHIP CREDIT CARD**

Ron Zampogna stated that the Township has never had a credit card, is that correct? Janice replied, that is correct. This has been brought up in the past and just recently that the township should have a credit card so that the township can purchase equipment and/or supplies on the internet. Ron asked Janice if this is something that she feels makes sense for the township at this point? Janice, Township Secretary/Treasurer replied that she personally doesn't like the idea of it but the main thing is that there has to be someone personally giving their information as a backup for the credit card. We can make other arrangements to get things so that's just something that I have always been careful about. Ron asked Janice if it makes sense to have a conversation with Debbie up at the bank and see what requirements we will need to be fulfilled. Janice answered that Debbie told me in the past that we couldn't have a debit card, but she could definitely help us find out. Ron asked Janice to find out from Debbie what the details are if we did want to move forward with this and then share all of the details with the board. Janice replied yes, she would do that.

**VETERANS DAY 5K/10K RACE**

Ron Zampogna stated that there was a bit of confusion this past weekend regarding the Veteran's Day Race. It is my understanding that there was never supposed to be a race. I do have a couple sentence email from Terry Tague who was the event coordinator. This email dated November 1, 2020 was to an "S. Mark Courtney" which stated, Mark, Please confirm our cancellation of the Buffalo

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**PRESENTATION OF THE 2021 BUFFALO TOWNSHIP BUDGET OF ALL FUNDS**

Township Veteran's Day 10K/5K Race on your website and timing service due to COVID restrictions. This is a follow up to my voice conversation during your timing of WPIAL cross-country championships race on Friday and my text to your phone yesterday. The date of our race was to be this coming Saturday, November 7, 2020. We hope to plan for another race in 2021 and will contact you early next year with those details. Thank you for your good service. Terry Tague, Buffalo Township Veteran's Day Race Director. With that being said, Mr. Tague did reach out and try to confirm cancellation of the race. Nonetheless, the township apologizes for any inconvenience any registered race applicants did have due to this miscommunication. I spoke to Mr. Sweeny after this happened and he said that Mr. John Haven had posted on Facebook. Matt Sweeny said that there were some questions on Facebook as to why the race was not underway and that they had registered and paid to participate. I issued an apology of course. This is a race that is handled by Buffalo Township Parks & Recreation Committee not us directly but John Haven got on and also made a statement that anyone who had registered and paid money would get a refund and anyone who traveled a distance would be refunded that as well. He is on this and getting it handled right now. Ron stated again, we do apologize for any inconvenience and we will refund the participants the money paid. If you do not get refunded, please contact the township and we refund your application fee.

**DISCUSSION/MOTION TO PURCHASE 1999 INTERNATIONAL 5 TON DUMP TRUCK - APPROVED**

Ron Zampogna stated that the Township has actively been looking for a back up dump truck. We are looking at upgrade some of our equipment and trucks. There was a truck that came along from another municipality that they were selling and it is a 99 but we were able to secure it and hopefully purchase it for \$6,376.50. We are actively looking at getting rid of some of our other equipment and it should decrease the cost, offset it a little bit to possibly half. Would you agree Gary? Gary Risch replied, yes. At least half. Ron stated that this truck is a little older but we picked it up for a good price and we think it will be a good spare truck. Bob Fletcher, Acting Road Master went and looked at it and feels that it is a decent truck. Bob replied, yes. I talked to the mechanic, it is mechanically sound and seems like a decent truck and will suit our needs at this time.

On a motion of Gary Risch, seconded by Matt Sweeny to approve purchase of the 1999 International 5 Ton Dump Truck through Municibid in the amount of \$6376.50. Motion Carried. Un. Approval.

**DISCUSSION REGARDING GOLEMBESKY SEWAGE REQUEST – APPROVED**

Ken Howard with Bankson Engineers stated that Mrs. Golembesky has submitted a letter with a sketch plan which shows where she would like to build a purposed dwelling with a grinder pump and she is asking permission to install a small diameter force main along Beale Road in front of house number 140 which will potentially be in the berm of the road so that she can make a connection to the last manhole that's at the very top of the hill. Her desire is to hook into city sewer. It would require your permission to allow that pipe to go into the berm of the road because she can't get through the landowner next door because there are too many obstacles in the way and a steep bank. I think there

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**AND**

**PRESENTATION OF THE 2021 BUFFALO TOWNSHIP BUDGET OF ALL FUNDS**

could potentially be a place that the forced main can be placed where the other ones are located that are discharge pipes from Evangel Heights and 130 Beale Road. We don't see any problem with this type of arrangement conditioned on getting the Municipal Authorities approval and possibly Atty. Farrington putting together an agreement stating that she would take care of any back fill and compaction and any damage to the cartway, the paved portion of the roadway.

Mrs. Brenda Golembesky stated that she was told by the Municipal Authority that it was up to the Township. Ken Howard replied that it is up to both the Municipal Authority and the township to come to an agreement and explained.

On a motion of , seconded by to give Mrs. Golembesky permission from the Township with all contingencies stated above. Motion Carried. Un. Approval.

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**LAND DEVELOPMENT**

**ALLENBERG PLAN NO. 2 – SARVER ROAD – SUBDIVISION PLAN**

Graff Surveying is proposing a subdivision plan for N. Allenberg-Kuniak of a 1.838-acre lot off an existing 29.712-acre parcel located along Sarver Road. The new proposed Lot 2 will be for a single-family residential dwelling with public sewage.

The township office has received the application, the filing fee, the plans, Butler County Planning Commission Comment letter dated 10/22/20; BCPC did not receive information for on-lot sewage disposal. BCPC did not have any comments on this plan. Municipal Authority of Buffalo Township comment letter received 10/19/20; Public water does not exist within the vicinity of the Allenberg Plan No. 2 Subdivision; however, public sewage does exist and was field verified. Applicant is aware of tapping fees and a grinder pump may be necessary due to lack of elevation. Bankson Engineers comment letter received 10/28/2020; **ZONING:** 403: A note should be added to the plan drawings stating that the residence on Lot 1 is a Non-Conforming Existing Use. Additionally, we recommend that it should be clarified as to whether lot 1 is served by public utilities. If public water and sanitary sewer service are not available for Lot 1, the Applicant should demonstrate that adequate on lot systems exist on the parcel, and that the newly created Lot 2 parcel fully complies with the requirements of the Township Ordinances. **SUBDIVISION:** 202.2.d: A Sewage Facilities Planning Module should be completed for the proposed connection of Lot 2 to the municipal sewage collection system. 213: Public Sites and Open Spaces: A new residential lot is being created as part of this Subdivision. Per the Municipalities Planning Code the Applicant should be required to provide a dedication of land for recreational purposes, or a fee in lieu of such dedication. 402: Monuments and Markers: The Applicant should provide monuments or iron pins at all property corners. 407: Water Supply: The Applicant should demonstrate the location of the water supply wells(s) on the Subdivision Drawings. Per the Subdivision and Land Development Ordinance, private wells should be located at least 50 feet from all septic tanks. The Applicant should also demonstrate that this minimum separation distance provision is

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – NOVEMBER 11, 2020**

**AND**

**PRESENTATION OF THE 2021 BUFFALO TOWNSHIP BUDGET OF ALL FUNDS**

met. We recommend that Approval of the subject Subdivision Plan may be granted at this time, contingent upon adequate resolution of all comments outlined above. The Applicant should make all necessary revisions to the Application, then provide evidence of adequate resolution of all comments outlined above. The Buffalo Township Planning Commission comments received 11/4/20; favorable recommendation contingent upon comments being resolved as noted in the Bankson Engineer comment letter dated 10/28/20. Fee in Lieu of payment received 11/9/2020 and Planning Module mailed to DEP 11/9/2020.

Ken Howard stated that everything has been received and we would grant approval as presented.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the Allenberg Plan No. 2 Subdivision Plan as presented. Motion Carried. Un. Approval.

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Chris Zeigler, President of the Trail Council was in attendance and shared updates regarding happenings with the Butler-Freeport Community Trail.

Bob Fletcher, Acting Road Master was in attendance and shared that the Road Department is getting the equipment ready for the winter and gave an update regarding what work they have been doing around the township.

**REMARKS FROM THE FLOOR**

David Bengini, of Shook Drive was in attendance with questions regarding the Nussbaumer Public Meeting that will be taking place on Friday, November 20, 2020. He wanted to verify what Atty. Brian Farrington had said at the last Board of Supervisors Meeting that after the Zoning Hearing Board Hearing for Nussbaumer's Variance, I am pretty sure that he said it will come back to the Board of Supervisors after the Zoning Hearing Board hears their side. Can you verify what you meant by that? Ron Zampogna asked Atty. Brian Farrington to respond. Atty. Farrington defined what he said and told Mr. Bengini that is correct. At the hearing the Nussbaumer's are applying for a Special Exception Variance which would alter a Conditional Use for their property. Once the Zoning Hearing Board would make that determination, it would go to the Supervisors to grant that Conditional Use with the Variance Exception or interpretation that the Zoning Hearing Board decides. It does have to pass through both bodies and if one would deny it in my opinion, it can not go through. Mr. Bengini stated that he just wanted to verify that to make sure that he heard everything correctly and that answers my question 100%. Thank you.

Dean McAfee was in attendance regarding the property at 495-497 Monroe Road in which his is interested in purchasing. It is the former J-Barn Restaurant. He stated that he was asked to attend this meeting to speak to the Board to get it approved for a Non-Conforming Use. We would like to put a Wedding and Event Center there, not a Restaurant. Candy Oxenrider, Dean McAfee's Realtor was also

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – NOVEMBER 11, 2020**

**AND**

**PRESENTATION OF THE 2021 BUFFALO TOWNSHIP BUDGET OF ALL FUNDS**

in attendance and she stated that she had spoke with Atty. Joe Charlton at the Planning Commission Meeting and he said that he didn't see any problem with Dean putting his Wedding/Events Center there and suggested that they speak to Atty. Farrington. Atty. Farrington said that he and Atty. Charlton had spoke regarding this property and that we can't make the determination if this will fall under conforming or non-conforming. Rick Healey our Zoning Officer would have to make that determination and he is not attending this evening. Candy stated that she spoke to Rick as well. Atty. Farrington replied that there are a couple things here that if you would like to give our office a call we can discuss with Mr. Healey if that use would be appropriate for that property. At this point it is my understanding that the property has not been used for a venue several years now and so I am not sure what discussion you had with Atty. Charlton but he and I did discuss that aspect of it. There is a hitch with respect that it has not been used for a few years now and certainly there is a discussion to be had with Mr. Healey and the township on whether there is any potential use that would fall under. I apologize for not having the facts in front of me and give you a decision without having all the facts in front of me. Candy asked so we should contact Rick then next? Atty. Farrington replied, yes. Ron Zampogna asked Atty. Farrington if this falls strictly under Mr. Healey's signature? Brian answered so, typically the Zoning Officer is the one who gives interpretation of the Ordinance and if someone disagrees with the interpretation then they appeal it to the Zoning Hearing Board. So, it is a discussion that the Zoning Officer would have with Council and with the Board. Candy stated that Rick was the first person she spoke to. Atty. Farrington stated that he will talk with Rick tomorrow. Ron Zampogna asked Candy Oxenrider if Rick Healey gave her any guidance or any opinion at all? Candy replied no. She said he just told her it was under a Conditional Use and that he told her to confirm that and to attend the Zoom Meeting and that using it as a Wedding Venue would be fine. Atty. Farrington commented and asked Candy to call him tomorrow. Albert Roenigk asked what else could it be used for? Matt asked how long it has been closed? Candy replied, 2 years. Atty. Farrington commented. Candy asked if they would have to get a permit from Rick? Atty. Farrington replied yes.

Albert Roenigk stated that the Buffalo Township Road Department went to Winfield Township and fixed up the area around the Caboose to make it safe for the Open House.

**ADJOURNMENT** was on a motion of Gary Risch, seconded Michael Oehling by at 8:15 pm.  
Motion carried. Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**