

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – APRIL 14, 2021**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, April 14, 2021 and convened at 7:30 p.m. The Meeting was called to order by the Chairman, Ron Zampogna III. This Meeting is being recorded, if anyone is taping this Meeting, please state your name and address.

**ROLL CALL**

Ron Zampogna III	Present
Matthew J. Sweeny	Present
Albert T. Roenigk	Present
Gary L. Risch Sr.	Present
Michael Oehling	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) Gary Risch attended the Planning Commission Meeting via Zoom video conference Apr. 7.
  - b) The Board of Supervisors and the Township Road Master, Bob Fletcher met for the 2021 Road Tour on Sunday, Apr. 11.
  - c) The Board of Supervisors met for an Executive Session at the Township Building with their Solicitor to discuss personnel matters on Wednesday, Apr. 14.
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**PUBLIC COMMENTS ON AGENDA ITEMS**

**APPROVAL OF THE MINUTES** of the March 10, 2021, 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 March 1-31, 2021 inclusive for audit, was on motion of Michael Oehling, seconded by Matt Sweeny. Motion Carried. Un. Approval.

**MONTHLY BILLS**

After reviewing 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 (ROBYN FLEISHMAN):**

- **MARCH 2021:** Twp. Real Estate Tax is \$110,853.34, Per Capita @ Discount is \$12,083.40

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

- **MARCH 2021:** Earned Income Tax is \$132,929.36, Local Services Tax is \$8,236.28

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

- **MARCH 2021:** Twp. share: \$102.50

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

- **MARCH 2021:** \$20,165.56

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

- **MARCH 2021:** 24 Permits Issued, 5 Single Family Residences, 1 Residential, 1 Commercial Building/Addition, 2 Residential Storage, 1 Residential Garage, 4 Pools, 4 Decks/Porches/Roof, 6 Grading Permits, Building Permit Fee: \$5,505.65, Mileage: 165, Grading Permit Fee: \$425.00, Lot Development Fund: \$0.00

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

- **MARCH 2021:** Ordinance & Statute Violations \$378.58, Code Violations \$124.84

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

- **MARCH 2021:** Total calls 141

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### **OLD BUSINESS**

#### **MOTION TO PURCHASE USED 2019 JOHN DEERE WHEEL LOADER WITH 10 WORKING HOURS ON IT**

Ron Zampogna updated everyone regarding a previous meeting and the discussion regarding the approval of purchasing a newer wheel loader. The 2020 Front Loader that we were supposed to get ended up not being available so we were able to find one that is in great shape. It was used as a demo and only has 10 working miles on it. We were able to negotiate and get the price down from \$128,000.00 to \$112,000.00. We feel that this is an advantage to us that the previous deal fell through.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the purchase of used 2019 John Deere Wheel Loader with 10 working hours on it in the amount of \$112,000.00. Motion Carried.  
Un. Approval.

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### **NEW BUSINESS**

#### **LETTER OF REQUEST FROM THE PARKS & RECREATION COMMITTEE TO SET UP THE “TASTE OF SARVER” EVENT ON SUNDAY, JUNE 6, 2021 IN THE FIELD AREA OF MULONE SQUARE**

John Haven, Chairman of the Parks & Recreation Committee was in attendance and spoke regarding the event. If you remember we had this same event in 2015. He stated that it will be for local restaurants in the area to set up tables and share a free taste of some of their menu items with the

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residents. The event will be Sunday, June 6, 2021 from 1-4 pm. They will also be able to sell some of their food as well. Gary Risch asked if there will be food trucks. John answered no. We will have another event down at the Nature Reserve in the fall for that. We are going to have some other events this year such as Touch a Truck/Family Day which was a big success a couple years ago. Hopefully in August. Atty. Farrington stated that this is being held by Parks & Recreation and through the Township that the vendors sign an agreement and show proof of insurance and show the Township as the named insurer. This is pretty standard at events like this. Rhonda Swartz spoke regarding the Waiver of Indemnification Agreement that will need signed by each of the Vendors who will be joining the event as well as supplying a Certificate of Insurance. John Haven was given the approval letter and a copy of the Waiver of Indemnification at the end of the meeting.

On a motion of Michael Oehling, seconded by Gary Risch to approve the Parks & Recreation Committee's letter of request to hold their "Taste of Sarver" Event on Sunday, June 6, 2021 from 1-4 pm in the field area of Mulone Square. Motion Carried. Un. Approval.

**REAPPROVAL OF THE OBERG PLAN NO. 3**

Atty. Farrington stated that since the plan was not recorded in the 90-day window, it just needs reapproved for recording by the Township and the plans will need resigned as well. Ken Howard stated that the plans are the same as originally approved and were approved as the Final Plan. They just need reapproval for recording.

On a motion of Matt Sweeny, seconded by Albert Roenigk to reapprove the Oberg Plan No. 3 for recording. Motion Carried. Un. Approval.

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**APPROVAL TRADE IN 2017 POLICE SUV FOR \$9,000.00 AND PURCHASE A 2021 FORD F150 RESPONDER FOR A TOTAL OF \$38,479.30**

Ron Zampogna stated that we are on a rotation of replacing the police cruisers every couple of years. We are ready to trade in the 2017 SUV and add a pickup truck, and F150 to the Fleet. Chief Derringer spoke regarding the purchase. We want to turn the cars over before they get significant mileage on them and we can still get some trade in value. In this case we are getting \$9,000.00 for the trade in and in the past we haven't gotten that much for trades. Matt Sweeny asked how many miles are on the 2017 right now. Tim answered it is approaching 120,000 miles. Tim stated that his recommendation is that we trade it in while we can get the value for it. The F150 Responder is no different than the SUV. We will gain a little more room; it is pursuit rated and will be used on an every day basis just like the SUV's are. The only difference is that it is a pick-up truck. I recommend we trade it in and purchase the F150. Gary Risch asked how long it will take to get it. Tim replied that is the issue. Right now, the last one took a year and the current one is up to 7 months. At this point possibly 6-7 months and by that time we may have 150,000 miles on it. Ron stated that we are waiting for a new vehicle to come in anytime, right? Tim replied, yes. It was supposed to be here last week and it was purchased 7 months ago. Matt stated that there are other Municipalities that have these F150

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Responders such as South Buffalo Township. It will be a worth while addition to the fleet. Tim stated that it will be used for multipurpose's and on a daily basis.

On a motion of Gary Risch, seconded by Matt Sweeny to approve trading in 2017 Police SUV for \$9,000.00 and purchasing a 2021 Ford F150 Responder for \$38,479.30. Motion Carried. Un. Approval.

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### **APPROVAL OF RESOLUTION #2021-7 ALTERATION OF RENTER PER-CAPITA LOCAL TAX DEADLINES**

Atty. Farrington stated there were some logistical issues with the County due to Covid and getting the Per Capita Tax Cards out. So, essentially this is moving the deadline for that by 30 days. This resolution is to extend the period for early and face value Per Capita Tax payments for Township Renters. The Per Capita Taxes of the Township Renters may be paid "at discount" through and until May 31, 2021, and "at face" from June 1, 2021, through and until July 31, 2021. No penalties, fees or interest shall be due if the tax is paid in full before July 31, 2021. This Resolution is only in effect for the 2021 tax period. This resolution is because the County got the cards out late.

On a motion of Matt Sweeny, seconded by Michael Oehling to approve Resolutions #2021-7 extending the period for the early and face value Per Capita Tax payments for Township Renters. Motion Carried. Un. Approval.

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### **DISCUSSION REGARDING 356 CORRIDOR EXPANSION WITH ERIC SMITH**

Eric Smith was in attendance regarding the 356 Corridor Expansion. We have four pieces of property located in that corridor that they are taking for stormwater management and or to move the Park and Ride. The original Park and Ride was eminent domain from us before and now they are going to go across Silverville Road and move the Park and Ride from where it is at now to my land there. The next location is beside the Burger King which is a valuable piece of property for development which would be a tax base for the Municipality and they are planning on taking that which is a joke. I just recently purchased property on Monroe Road across from Sheetz behind Northwest Savings Bank and I was hoping to see if they would move the stormwater management to there but PennDOT is now planning on taking that property as well. We are in discussion with them in hopes that they could expand that one and move the one next to Burger King out of there, just leave that one alone. I was wondering if the Board of Supervisors has any pull. They are also planning on taking the property beside Sarver True Value where the fruit stand is, that is another area that they are planning on taking for the 356 Corridor Expansion. That is all prime corridor property for commercial growth which I think this community is in need of to stabilize the tax base. I was wondering if you have pull with PennDOT. Ron Zampogna stated that we have seen the plan and it is our intension to reach out to them. Matt Sweeny stated that this is just a preliminary plan. Ron Zampogna stated that I will speak for myself, I completely understand where you are coming from. I think we will reach out to them and see if we can set up a meeting and have some of the local landowners attend as well. Eric stated that the land next to Burger King is a real thorn because it has all the stormwater infrastructures already there and the utilities are already to it and the stormwater is in place. Matt Sweeny stated that we are going to do everything we

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can to not make that a retention pond. Gary Risch stated that we were to have a meeting with PennDOT but it was pushed back due to Covid. Matt Sweeny stated that we will try to get an in person with them in the next 30 to 45 days at the most and try to get somethings in concrete and let them know what we would like to have. Ron stated we will keep you informed moving forward.

John Haven stated that he is speaking for the School Board. Those four pieces of property if they are taken off the tax rules and they could possibly be businesses in the near future. Right now, as you the Board is aware that 90% of the school taxes are from residential not businesses. We can not afford to do this in Buffalo Township. The Board agreed.

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**LAND DEVELOPMENT**

**AMENDMENT #6 TO ZONING ORDINANCE #135**

Weaver Homes is purposing a zoning change to 22.7 acres of land owned by The John M. Allen Jr. Family Trust, Plan #2 Revision of Lot 2. The property is located along Route 356 approximately 1,800 feet south of the intersection of Route 228 (Sarver Road) and Route 356 (South Pike Road). This Deed Book Recording & Tax Assessment Reference is found in Plan Book 368 on Page 17 and it is part of Parcel 040-1F77-8B. The present zoning is split between R-1 and B-1. The 22.7-acre parcel contains approximately 17 acres zoned B-1 and 5.7 acres zoned R-1. Weaver Homes is requesting to rezone the R-1 portion to B-1 matching the property line as created by the subdivision of parent tract. The purposed use of the property would be Multi-Family Housing permitted as a Conditional Use in the B-1 District.

The Township Office has received the Petition for the Amendment for Zoning, the filing fee, Map showing location of property, List of residents living withing 300 feet of property, Butler County Planning Commission Comment letter received 3/19/21; BCPC had no comments on this request, Municipal Authority Comment letter received 3/23/21; Public water and sewage exist within the vicinity of both properties. If approved with the intent to construct multi-family housing, the Developer would need to submit water and sewer construction plans to the Authority for review and approval, Bankson Engineer Comment letter received 3/29/21; Planning Commission comments received 4/7/21.

Ken Howard with Bankson Engineers attending via Zoom Video read the comment letter received by the township on 3/29/21 for the Planning Commission Meeting. We recommend that the Supervisors hold a Public Hearing to grant the approval to change that zoning. Brett Schultz of Weaver Homes was in attendance and had no comments.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the date and advertising of a Public Hearing for Amendment #6 to Zoning Ordinance #135 to be Wednesday June 9, 2021 at 7:00 pm. Motion Carried. Un. Approval.

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**WEAVER HOMES CONDITIONAL USE PETITION**

Weaver Homes is purposing a Multi-Family Housing Plan to be located on 22.7 acres of property belonging to John M. Allen Jr. Family Trust, Plan #2 Revision of Lot 2 (Tax Parcel #040-1F77-8B) which is located along Route 356 approximately 1800 feet south of the Route 228 Intersection (Sarver Road) and Route 356 (S. Pike Road) and 7.17 acres of property owned by Gary L. Risch Sr. located at 114 S. Pike Road, Sarver (Tax Parcel #040-1F77-7A) the said properties are adjoining one another. Zoning Classification of the property belonging to John M. Allen Jr. Family Trust is B-1 and R-1, pending Zoning Amendment Petition for portion Zoned R-1. The present use of the property belonging to Gary L. Risch, Sr. is Zoned B-1 Business District. The purposed use of the properties will be a Multi-Family Housing Development as a permitted Conditional Use in the B-1 Business District.

The Township Office has received the Petition for Conditional Use, the filing fee, Map showing location of properties, List of property owners within 300 feet of properties, Butler County Planning Commission comment letter received 3/19/21; BCPC has no comments on this request, Municipal Authority Comment letter received 3/23/21; Public water and sewage exist within the vicinity of both properties. If approved with the intent to construct multi-family housing, the Developer would need to submit water and sewer construction plans to the Authority for review and approval, Bankson Engineer Comment letter received 3/29/21; Planning Commission comments received 4/7/21.

Ken Howard with Bankson Engineers attending via Zoom Video read the comment letter received by the township on 3/29/21 for the Planning Commission Meeting. We would recommend that the Supervisors hold a Public Hearing to grant the approval to add Multi-Family Homes to the B-1 Zoning District. Brett Schultz of Weaver Homes was in attendance and had no comments.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the date and advertising of a Public Hearing for Weaver Homes Conditional Use Public Hearing for Resolution #2021-6 to be held Wednesday June 9, 2021 at 7:15 pm. Motion Carried. Un. Approval.

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**REMARKS FROM THE FLOOR:**

John Haven, 209 Creekside Drive was in attendance regarding petitioning PennDOT to do a survey or study regarding jake brakes from the bottom of the hill at Younkens Drive to Route 228. He stated that it echoes out through the hollow. Ron Zampogna asked Chief Derringer regarding this. Chief Derringer stated that PennDOT would have to implement it. John asked Janice if we would have to petition PennDOT? Janice answered, yes. Matt Sweeny asked where exactly are they using the jake brakes? John replied it is along the straightaway where the landscaping place is up to Route 228. Bob Fletcher of Bear Creek Road stated that when Mr. Haven was a Supervisor that he asked the same question because of the trucks going past his house on Sarver Road and he was told there was nothing that could be done, that they are there for safety to slow a truck down and that is exactly what you said to me at that time. John stated that it is the stripped-out mufflers. Matt Sweeny agreed and said they have been running straight pipes forever. Ron stated we can ask about it but I do not know how we will enforce it. Janice stated that there is a sign up above Harbison Road but they still do it all the time. Janice stated that she thinks that the Township will have to do an Ordinance or a Resolution. Ron stated that we will look into it.

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Chris Zeigler, President of the Trail Council shared an update regarding the Butler-Freeport Community Trail. We are having a work day in Herman this Saturday, April 17<sup>th</sup> to chip brush from 9-1. We are going to have a Bike Swap next Saturday April 24<sup>th</sup> to Celebrate Trails Day and will have free ice cream and the Caboose will be open. We will have memberships and t-shirts for sale. Our Half Marathon will be October 16<sup>th</sup>. We will be installing benches along the trail over the next few weeks. We have got quite a few donated due to no flowers at funerals. We are getting ready for summer mowing. Matt Sweeny and I met with Mayor Swartz in Freeport to talk about parking in Laneville. Matt stated we talked about a bunch of things. Hopefully, we can get everything straightened out.

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**ADJOURNMENT** was on motion of Gary Risch, seconded by Matt Sweeny, at 8:05 p.m. Motion Carried.  
Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY/TREASURER**