

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, May 12, 2021 and convened at 7:35 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.

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 May 5.
- b) The Board of Supervisors met for an Executive Session at the Township Building with their Solicitor to discuss personnel matters on Wednesday, May 12.

PUBLIC COMMENTS ON AGENDA ITEMS

APPROVAL OF THE MINUTES of the April 14, 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 April 1-30, 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 Albert Roenigk, seconded by Matt Sweeny, to pay the monthly bills. Motion Carried. Un. Approval.

REPORTS

(1) THE ELECTED TAX COLLECTOR’S REPORT (ROBYN FLEISHMAN):

- **APRIL 2021:** Twp. Real Estate Tax is \$255,017.86, Per Capita @ Discount is \$28,988.40

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

- **APRIL 2021:** Earned Income Tax is \$0.00, Local Services Tax is \$6,051.70

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

- **APRIL 2021:** Twp. share: \$212.50

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

- **APRIL 2021:** \$17,644.32

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

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

- **APRIL 2021:** 27 Permits Issued, 10 Single Family Residences, 5 Pools, 2 Decks/Porches/Roof, 10 Grading Permits, Building Permit Fee: \$10,918.45, Mileage: 130, Grading Permit Fee: \$925.00, Lot Development Fund: \$0.00

(6) THE DISTRICT JUSTICE’S REPORT:

- **APRIL 2021:** Ordinance & Statute Violations \$94.17, Code Violations \$128.48

(7) BUFFALO TWP. POLICE REPORT

- **APRIL 2021:** Total calls 119

OLD BUSINESS

NEW BUSINESS

RICHARD GOLDINGER RUNNING FOR JUDGE OF COMMON PLEAS IN THE MAY 18TH PRIMARY ELECTION WAS IN ATTENDANCE

District Attorney Richard Goldinger was present and shared his experience and gave a presentation to update voters of his plans if he should be voted in as Judge of Common Pleas for Butler County.

MS4 STORMWATER PUBLIC EDUCATION & PARTICIPATION PRESENTATION BY KEN HOWARD OF BANKSON ENGINEERS

Ken Howard was present and gave a Public Meeting Presentation on the National Pollution Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer System (MS4) Permit Requirements. His presentation was regarding MS4 Stormwater (MCM1) Public Education and Outreach and (MCM2) Public Participation/Involvement. Ken shared the History and background as well as gave all in attendance handouts which included the MS4 Review along with Handouts of the Fact Sheets 1 through 7. There was also a handout from the Audubon Society of Western PA’s 2021 Activity Data sheet.

REMINDER THAT VOTING PRECINCT #1 IS NOW AT ZION UMC LOCATED AT 438 BEAR CREEK ROAD, SARVER, PA 16055

Ron Zampogna stated that this is just to clarify the confusion regarding where the voting precinct is now located. Rhonda will post the signs at the Township building on the front and side doors.

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

MOTION TO ADVERTISE AMENDMENT TO ORDINANCE #125 REGARDING SMOKE & DYES TESTS WHEN THERE WILL BE CHANGING OF HANDS OR REFINANCING OF PROPERTY

Atty. Farrington stated that the Municipal Authority has reached out to the Township regarding the Smoke & Dye Testing Ordinance. Ordinance #125 requires that anytime a property changes hands, sell or refinancing that a Smoke and Dye test needs to be performed. As time has gone on a lot of Municipalities have dropped the requirement and closed transactions in which there is no transfer tax. There is not as much of a need as well as refinancing. In both a necessity and a cost benefit analysis, it makes sense to drop the requirement that if it is one of those closed transactions that the smoke and dye test need not be performed. This will be an Amendment to a specific Ordinance it would need advertised. It would be amending articles 2 and 4 which is just excluding those type of transactions.

On a motion of Matt Sweeny, seconded by Michael Oehling to advertise to Amend Ordinance #125. Motion Carried. Un. Approval.

LAND DEVELOPMENT

J.K. MILLER PLAN – SHUSTER DRIVE – SUBDIVISION PLAN

Graff Surveying LLC. is submitting a proposal for J. Kevin Miller for property located along Shuster Drive. They are proposing a subdivision of a 3.84-acre parcel into four lots. The lots will differ in size with the proposed sizes as follows: Lot 1 is 1.07 acres; Lot 2 is .81 acres; Lot 3 is .77 acres and Lot 4 is 1.19 acres. All 4 proposed lots have an existing 20' sanitary sewer easement running thru the property that they will connect into.

The Township office is in receipt of the Application, filing fee, copies of plan, Butler County Planning Commission comment letter received 4/22/21; BCPC did not have any comments on this plan; Municipal Authority of Buffalo Township comment letter received 4/23/21; Public water and sewage service does exist to this property; however, given the elevation of the existing main sewer line, service most likely will need grinder pumps. The Developer is advised that tapping, connection, MSI fees exist and is encouraged to contact the Authority Office for more information on fees and construction requirements.; Bankson Engineer comment letter received 4/23/21; SUBDIVISION: 213.D: Public Sites and Open Spaces: We recommend that the Applicant provide the fee-in-lieu-of land dedication prior to Final Approval of the Subdivision Plan Application. 307: Water and Sewer: We recommend that the Applicant provide evidence of water and sewer system provisions that meet the Pennsylvania Department of Environmental Protection requirements. The Applicant shall provide evidence of the approved PA DEP Sewage Facilities Planning Module. We recommend that Approval of the subject Subdivision Plan Application may be granted at this time, contingent upon satisfaction of all comments outlined above and the receipt of any/all applicable permits. Planning Commission comments received 5/5/21. Fee In Lieu of received 5/7/21.

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

Ken Howard with Bankson Engineers stated that we would recommend approval of this Subdivision Plan pending DEP Planning Module approval. Kevin Miller was in attendance.

On a motion of Gary Risch, seconded by Matt Sweeny to approve the JK Miller Plan, Shuster Drive Subdivision contingent upon DEP Planning Module approval. Motion Carried. Un. Approval.

L. PARRISH PLAN – GOLDSCHAITTER ROAD – SUBDIVISION PLAN

Graff Surveying LLC. is submitting a proposal for Lori Parrish for property located along Goldscheitter Road. They are proposing a subdivision of a 28.576-acre parcel into 2 lots as divided by Goldscheitter Road. The westerly portion of the parcel will be 18.766 acres and has an existing dwelling. The easterly portion of the parcel will be 9.81 acres and has been tested for an on-lot system.

The Township office is in receipt of the Application, filing fee, copies of plan, Butler County Planning Commission comment letter received 4/22/21; BCPC did not have any comments on this plan; Municipal Authority of Buffalo Township comment letter received 4/23/21; Public water and sewage service does not exist to this property; Bankson Engineer comment letter received 4/23/21; SUBDIVISION: 213.D: Public Sites and Open Spaces: We recommend that the Applicant provide the fee-in-lieu-of land dedication prior to Final Approval of the Subdivision Plan Application. 307: Water and Sewer: We recommend that the Applicant provide evidence of water and sewer system provisions that meet the Pennsylvania Department of Environmental Protection requirements. The Applicant shall provide evidence of the approved PA DEP Sewage Facilities Planning Module. We recommend that Approval of the subject Subdivision Plan Application may be granted at this time, contingent upon satisfaction of all comments outlined above and the receipt of any/all applicable permits. Planning Commission comments received 5/5/21. Fee In Lieu of received 5/6/21.

Ken Howard with Bankson Engineers stated the same with the other plan contingent on them getting the DEP approval.

On a motion of Matt Sweeny, seconded by Albert Roenigk to approve the L. Parrish Plan, Goldscheitter Road Subdivision contingent upon DEP approval. Motion Carried. Un. Approval.

PENNENERGY RESOURCES LLC. W76 GAS WELL PAD – EKASTOWN ROAD – CONDITIONAL USE

PennEnergy Resources, LLC (“PER”) is seeking conditional use approval from Buffalo Township Board of Supervisors for the construction and operation of an unconventional natural gas well site on a 64.962-acre parcel owned by Albert T. Roenigk, Carol Boustead and Leland Roenigk off Ekastown Road in Buffalo Township’s A-1 Agricultural Zoning District, also identified as Butler County Tax Parcel No. 040-1F92-A13 (the “Property”) Section 307 of the Zoning Ordinance permits Oil and Gas Well Drilling in the A-1 District as a conditional use, subject to the conditions set forth in that section.

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

The Township office is in receipt of the Conditional Use Petition including exhibits, filing fee, map showing location of property, list of property owners within 1000', Butler County Planning Commission comment letter received...; Municipal Authority of Buffalo Township comment letter received 4/23/21; Public water and sewage service does not exist to this property; Bankson Engineer comment letter received 4/30/21; ZONING: The subject parcel currently maintains a zoning classification of A-1, Agricultural District. Oil and Gas Development is recognized as a Conditional Use of the A-1, Agricultural District under Section 307 of the Zoning Ordinance. The subject parcel also exists within the A-2 Access Management Overlay. It should be noted that PennEnergy Resources, LLC does not own the subject parcel; however, a Memorandum of Oil and Gas Lease Agreement has been provided to the Township as evidence of proprietary interest to pursue the Conditional Use. Any and all uses of the subject parcel must comply with all requirements of the A-1, Agricultural District as well as the A-2, Access Management Overlay. 307.3A: The Conditional Use Narrative states that (six) 6 wells will be drilled as part of the W76 Pad development. The Conditional Use Zoning Exhibit drawing indicates that seven (7) wells will be drilled. Please clarify the number of wells to be drilled as part of the Conditional Use, per the Ordinance Requirements. 307.3.B&P: The Conditional Use Narrative states that gathering will be provided by a third party. In accordance with requirements of the Zoning Ordinance, please submit additional details which demonstrate, at a minimum, the location(s) of the existing Pine Run Midstream low-pressure gathering system, and a preliminary layout showing how the W76 Pad will be integrated into the existing natural gas pipeline network. 307.3G&N: We concur that Township Roads will not likely be utilized as part of the Conditional Use. However, the Applicant will be expected to provide evidence of all applicable state and federal permits related to the Land Development including, but not limited to, NPDES Construction Discharge Permit, PennDOT Highway Occupancy Permit, Township Grading Permit, etc. The Applicant shall also obtain all necessary permits from the appropriate state or federal agencies or authorities issued in accordance with applicable laws and regulations for the proposed use. 307.6: The requirements of Section 307.6 of the Zoning Ordinance appear to be applicable, as the Conditional Use Application proposes the construction and utilization of a Freshwater Well Development Impoundment on the subject parcel. Our office would recommend that Conditional Use Approval may be considered at this time, contingent upon adequate resolution of all comments, outlined above, and evidence of receipt of all necessary permits. Planning Commission comments received 5/5/21. Revised maps received 5/7/21.

Ken Howard with Bankson Engineers stated that they received revised comments and would recommend that the Conditional Use Hearing be scheduled. Amanda Peterson and Adam B. were in attendance.

On a motion of Gary Risch, seconded by Matt Sweeny to schedule the PennEnergy Resources LLC. W76 Gas Well Pad, Ekastown Road Conditional Use Public Hearing for June 9, 2021 at 6:45 pm. Motion Carried. Un. Approval.

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

NEW BUSINESS CONTINUED:

JOE KUBIT RUNNING FOR JUDGE OF COMMON PLEAS IN THE MAY 18TH PRIMARY ELECTION WAS IN ATTENDANCE

Joe Kubit of Cabot, PA was present and shared his experience and gave a presentation to update voters of his plans if he should be voted in as Judge of Common Pleas for Butler County.

Chris Zeigler, President of the Trail Council gave an update regarding the Butler-Freeport Community Trail. We started mowing from Great Belt to South of Monroe yesterday and will mow from Great Belt to Butler tomorrow. The Marwood Building is now down and just about cleaned up. The Parking Lot should reopen early next week. We are salvaging the bricks for the Cabot Pavilion floor and be selling the bricks for \$25.00 and putting names on them. Information regarding that will be coming soon. The Ice cream Social on Celebrate Trails Day went very well. We have a lot of ice cream left over. June 5th is National Trails Day. We were able to replace a bridge in Marwood with a donation that we received.

Bob Fletcher, Road Master gave an update regarding the Township Road Department and all of the work that they have been doing around the township. We are out crack sealing right now. We are up on Reimer Road and will be heading to Shuster next since they were the last to be hot mixed. Fixing a lot of basins. We have had some complaints from Edgewood Plan. We have been working with Ken and hopefully we can get that project done. We have been collecting stone. He and Ouch met with Cory Shaeffer of PennDot regarding the Township Roads and discussed roads that may be on the list for sealing and fog seal. That fog seal is nice, it really holds the roads together and makes the roads look pretty. It levels any imperfections. Winfield Township has done this. Bob stated that Caruso and Suite Kote can do micro paving. Cory is figuring out pricing so that the bids can be sent out. Ouch stated that Cory felt that the prices were coming in the same or cheaper. If the bids come in cheaper we might be able to possibly pave Cole Road from Route 356 to Fleming Road. Bob stated that's our plan.

Ken Howard with Bankson Engineers stated that I have two things to talk about. One would be regarding Edgewood Drive. We did just receive the approval from DEP for that pipe to be replaced. We do however have to have the discharge point where it was originally to be and explained. Bob Fletcher, Road Master stated that he has ordered some of the supplies. We did provide you with 3 quotes which are within the bidding limits, with Holbein being the lessor of the three quotes. Holbein will be working together with your Road Dept. Gary asked if we could vote on that now? Ken stated if you so choose to. We have given you the 3 quotes. Ron asked if all three quotes were alright. Ken replied yes, they were in the letter that was sent to you with the design. Ouch replied they quotes were back on the table. Ouch stated that Holbein was a lot cheaper. Ken stated yes, he is willing to work by the hour and work with your crew. Your crew is going to bring the stone to the site, your crew is going to bring the pipe to the site and Holbein's will bring the excavator and a fellow or two and a trench box. The trench box is key because it is 10 feet deep. Ron asked if we move forward with this then when can we get started? Ken replied it depends on when the pipe comes in. Bob Fletcher stated that he ordered the

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

pipe and it is just a waiting game at this point. Ron stated if we award to Holbein's then he is ready when we get the pipe Ken replied that he met with Clayton Holbein and he seems willing to work with you when it fits into your schedule. Atty. Farrington suggested that the bid amounts be on the record. Ken stated that he thought that the bid packet was mailed around April 15th. Albert Roenigk was the only one that saw the bid packet. Ken stated that there were 3 bids. They were from Holbein Inc., D & M Contracting, Inc., and Northrock Construction. Atty. Farrington asked if the total amount of the contract is below the bidding of \$21,300.00 and Ken replied yes, and we expect it to be less than that. Ken Howard read the bids.

Holbein Inc.:

1. 45,000-pound excavator - \$90.00/hour
2. Compact skid loader - \$50.00/hour
3. Triaxle/tandem dump truck - \$40.00/hour
4. Utility truck and small tools for job - \$25.00/hour
5. Tractor Trailer for mobilization - \$100.00/hour
6. Labor - \$65.00/hour
7. Foreman and equipment operator - \$70.00/hour
8. 12' x 8' aluminum trench box \$500.00/week

D & W Contracting:

1. 45,000-pound excavator - \$125.00/hour
2. Compact skid loader - \$100.00/hour
3. Triaxle/tandem dump truck - \$125.00/hour
4. Utility truck and small tools for job - \$50.00/hour
5. Tractor Trailer for mobilization - \$150.00/hour plus permitting costs (if required) with 15% markup
6. Labor - \$100.00/hour
7. Foreman and equipment operator - \$125.00/hour
8. 12' x 8' aluminum trench box \$1000.00/week

Northrock Construction:

1. 45,000-pound excavator - \$165.00/hour
2. Compact skid loader - \$98.00/hour
3. Triaxle/tandem dump truck - \$85.00/hour
4. Utility truck and small tools for job - \$62.00/hour
5. Tractor Trailer for mobilization - \$145.00/hour
6. Labor - \$67.00/hour
7. Foreman and equipment operator - \$129.00/hour
8. 12' x 8' aluminum trench box \$800.00/week

Ron verified that Holbein Inc. is lessor for the three bids. Ken stated yes and the Road Department would be helping them and this should take approximately 4-8 days. The township would be supplying the stone and pipe under Costars pricing. So, we believe you are safe to do this in this form and fashion. We do have the easements signed by the 2 homeowners. One is recorded and I am heading to the

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

Court House tomorrow to get the other one recorded. The documents will be on record and both of the landowners were very willing to work with us on this. Matt asked if there is anything else to do due diligence wise to check to make sure everything is as follows. Atty. Farrington stated that if Ken has reason to believe that this is going to fall under \$21,300.00 then it does not require closed bidding/sealed bidding process. Based upon the rates that Ken has given to us, it is clear that Holbein is the lowest bidder and both Ken and Bob feel satisfied that Holbein can meet the specifications of this project.

On a motion of Gary Risch, seconded by Michael Oehling to award the bid for the Edgewood Drive Project to Holbein Inc. as well as to work in collaboration with the Township Road Dept. Motion Carried. Un. Approval.

Ken Howard stated that we spoke earlier today with Ouch about some road repairs that are necessary on Harvey Road. The culvert pipe, the large diameter corrugated pipe is detached from the end wall and the road is starting to slide. We have some cracking as the road is settling. There is an opportunity for a Grant application that would need submitted in a month or so for a Community Commonwealth Finance Administration Multi Module Grant that is slated toward road type work, road repairs and things. I believe it would be appropriate if you so choose to move forward with that grant application. If we had an official action by the Board tonight, to vote yes to make that grant application for those repairs. We would need to get on site, take some measurements and come up with a cost estimate to budget for that work but the grant application does have to be acted on by the Board. Typically, the Commonwealth Finance Authority projects have a 15% match if we would get the grant the Township would be responsible for that. So, there would be some costs on the Townships part if we would get the grant. It is a good grant agency to work with and there are not a lot of strings attached and you need some help on that project.

On a motion of Albert Roenigk, seconded by Matt Sweeny to have Bankson Engineers complete the grant application for the Community Commonwealth Finance Administration Multi Module Grant for the repairs to Harvey Road. Motion Carried. Un. Approval.

Bob Fletcher stated that he spoke with Ryan of the Conservation District regarding the Crescent Hill pipe job. I have to apply for the grant and it looks like that entire job is going to be taken care of through the County. I met with Ouch and Ken today and Sunny Lane, that pipe also needs replaced. Ryan looked at that area and said that if could go through the same process. We would have to do a traffic study. Those were the only 2 roads for tar and chipping. They meet the fourth Thursday of every month. I am hoping that the Crescent Hill will be taken care of but Sunny Lane will take longer. I said to Ken and Ouch today if we could just tar and chip from the pipe to the Cul de Sac that way don't tear it all up. Looks like the County will pay the bill for the pipe and we will go through the FEMA rates for our trucks and everything else.

BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 12, 2021

REMARKS FROM THE FLOOR:

Grant McConnell, Chairman of the Planning Commission stated that before COVID hit we had discussed bringing in a consultant regarding the Comprehension Plan. Ron and Matt agreed that we need to move on this.

Gary Risch asked about the Bid Packet from Bankson Engineers and when it was received. It was back in the Supervisors' office but how did it get there? Nobody seems to know and who opens the mail? Ouch stated that he knew it was there. Other Board members stated they were unaware as well. Ken stated that he thought it was mailed but that he could possibly be wrong. The date on the Bid Packet was April 15, 2021.

ADJOURNMENT was on motion of Gary Risch, seconded by Matt Sweeny, at 8:45 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY/TREASURER