

BUFFALO TWP. SUPERVISORS – REG. MONTHLY MEETING – MARCH 8, 2017

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, March 8, 2017, in the Buffalo Township Municipal Building and convened at 7:45 p.m.

The Meeting was called to order by the Chairman, John K. Haven. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

ROLL CALL

John K. Haven	Present
Ron Zampogna III	Present
Matthew J. Sweeny	Present
Albert T. Roenigk	Present
Gary L. Risch, Sr.	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) The Board of Supervisors held an Executive Session with their Solicitor this evening in the Township Municipal Bldg.
- (b) John Haven, Albert Roenigk, and Ken Howard attended a pre-job/construction meeting with Penn Dot and J. C. Lee Construction Officials on February 23 for the Butler-Freeport Trail repaving project.
- (c) John Haven attended the Butler County Conservation District Meeting on February 23.
- (d) John Haven attended an onsite appraisal for dirt and gravel roads for the BCCD Board for Forward and Jackson Township Projects on March 1.
- (e) John Haven attended the Buffalo Township Planning Commission Meeting on March 1.
- (f) John Haven, John Gaydos, and David Ivanek met with Officials from Suite Kote on March 1 to survey the roads (11) impacted by seal coat quality issues.

APPROVAL OF THE MINUTES of the February 22, 2017, Regular Monthly Meeting of the Buffalo Township Supervisors, as recorded, was on motion of Matt Sweeny, seconded by Ron Zampogna. Motion Carried. Un. Approval.

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ACCEPTANCE OF THE TREASURER’S REPORT

The Treasurer’s Report for January 2017 was read by John Haven. Acceptance of the Treasurer’s Report, inclusive for audit, was on motion of Ron Zampogna, seconded by Matt Sweeny. Motion Carried. Un. Approval.

MONTHLY BILLS

After reviewing invoices and bills presented for payment, it was on motion of Ron Zampogna, seconded by Albert Roenigk, to pay the monthly bills. Motion Carried. Un. Approval.

REPORTS

- (1) **THE ELECTED TAX COLLECTOR’S REPORT** received from Carla Garia is \$44.00 in Per Capita @ penalty for January 2017
- (2) **THE APPOINTED TAX COLLECTOR’S REPORT** from Berkheimer is \$132,651.09 in Earned Income Tax ; and \$12,001.52 in Local Services Tax for February 2017
- (3) **THE APPOINTED TAX COLLECTOR’S REPORT** from Sharp Collections is \$691.98 in delinquent Earned Income Tax for January 2017
- (4) **ZONING OFFICER’S REPORT** for February 2017 is for 19 permits issued; 6 Single Family Residences, 1 Residential Storage, 1 Decks/Porches/Roof, 1 Carport, 2 Renovations, and 8 Grading Permits
Building Permit Fee: \$7,377.50 Mileage: 132 Miles
Grading Permit Fee: 380.00 Lot Development Fund: \$4,128.52
- (5) **THE DISTRICT JUSTICE’S REPORT** for January 2017 is for \$447.60 in Ordinance & Statute Violations and \$597.76 in Vehicle Code Violations

OLD BUSINESS

SARVER’S MILL ISSUES

Bob Bednar from the Meritage Group, Jim Rumbaugh, and Mike Ruefle attended the meeting. Jim Rumbaugh stated we want to work with the community. He stated Mike Ruefle made the original application for this development in 2004. I have a copy of the deed from 2005. The area where the landscape is and the walls were deeded to the Homeowner’s Association in 2005. Since 2005 the Homeowners Association has maintained that. There are some pictures that we took earlier today at the end of our sidewalk. I have gotten a number of phone calls from a number of residents. I had people out there to look at installing a 4 or 5 foot fence. The conclusion is that all of the shrubbery will have to be taken out to be able to put a fence. I want to do what you want to have done. I will give the Homeowner’s Association \$6200.00; they can hire people to remove the shrubs and put up a fence. Michael Ruefle stated I was part of the original development team. We received the original approval in 2001. We started development in 1992 with Buffalo Trails. It was the first PRD in Buffalo Township.

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The Sarver's Mill goal was to carry through the process started with Buffalo Trails. We had a lot of meetings with the Supervisors and Planning Commission. He gave a summary of things that were built in this development. In our opinion there are two items: educate the children to not climb the walls and to put signs up. If you want a fence up, we will give money to the HOA to build the fence. John Haven asked who is in charge of the HOA? Bob Bednar answered I can find out. Gary Risch stated that is very nice that you would pay for it.

BUTLER-FREEPORT TRAIL REBUILDING PROJECT

John Haven stated this will begin in March. J.C. Lee will be the Contractor for the approx. 10 mile project. The Buffalo Township Road Department will start grading when the weather breaks and after doing some work for the storage building.

CONDITIONAL USE REQUEST FOR VERIZON WIRELESS COMMUNICATIONS TOWER – APPROVED

Ray Smetana, Planning Commission Chairman, stated all of the questions will be brought up when they come in for their Site Plan Approval.

On motion of Gary Risch, seconded by Albert Roenigk, to approve the conditional use request for Verizon Wireless Communications Tower on Fleming Road. The property is owned by Joseph E. Varos, Jr. and Linda A. Varos. Motion Carried. Un. Approval.

NEW BUSINESS

REQUEST FROM FREEPORT CROSS COUNTRY BOOSTERS CLUB – APPROVED

Jeff Parks stated this is a parent group that support s the team; we do this every year.

On motion of Albert Roenigk, seconded by Matt Sweeny to approve the Freeport High School Cross Country Boosters request to use the Oregon Camp for registration and parking and the Trail for the 12th Annual 5K Race on June 3, 2017. They are also requesting EMT Support and the Police Department for traffic control. Motion Carried. Un. Approval.

REQUEST FROM GIRL SCOUTS TO USE OREGON CAMP – APPROVED

John Haven stated this is for evening outdoor activities from June 6 – 8, 2017; they are also requesting proof of insurance for the Oregon Camp Area. He asked Jim Bonner where will we be in June on this property? Jim Bonner answered there won't be anything significant happening in June.

On motion of Ron Zampogna, seconded by Albert Roenigk, to approve the request from the Girl Scouts to use the Oregon Camp for the evenings of June 6 – 8, 2017, for outdoor activities. Motion Carried. Un. Approval.

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FLOOD PLAIN ORDINANCE SEMINAR

John Haven asked Roger Kelly if he could attend this seminar on March 13 from 2 – 4 p.m. at 290 South Duffy Road, Butler? Roger Kelly stated I cannot attend. John Haven stated I will get back to you about the next conference date.

MEETINGS

John Haven stated there are a number of meetings that include Stormwater Inspector Training, Flood Proofing Workshop, and Butler County Commissioners Infrastructure Funding. One of the meetings is tomorrow night. Albert Roenigk and John Haven will be attending.

REHAB AND SERVICE ON JOHN DEERE TRACTOR – APPROVED

John Haven stated this type of service has never been performed before. The tractor was purchased in the 90's and is long overdue. Gary Risch stated the cost will be somewhere between \$7,000 and \$8,000. There is also a quick check on everything once a year that costs between \$325 and \$350.

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve the rehab and service on the John Deere Tractor at a cost of between \$8,000 to \$12,000. Motion Carried. Un. Approval.

OTHER BUSINESS

Gary Risch stated our roadworkers have been out cleaning the housing plans and saving all of the material to be reused. This meets the criteria for the stormwater management MS4.

APPOINTMENT TO PLANNING COMMISSION

On motion of Gary Risch, seconded by Albert Roenigk, to appoint Amy Trulik to the Planning Commission. Motion Carried. Un. Approval.

LAND DEVELOPMENT

REQUEST FROM DAVID C. MICHAEL – APPROVED

David Michael explained I went to the Planning Commission first and they told me to go to Butler County. What happened was, years ago, a person bought two pieces of property and they put them on one tax record. I would like to get separate tax records. I will need a letter from you and will take it to a lawyer who writes it up and then take it to the Courthouse to be recorded. Ken Howard stated we reviewed this; he needs to create two separate tax ID numbers for nonconforming parcels. I would recommend that you could approve this request. John Haven asked Ken Howard if he could write the letter? Ken Howard answered yes.

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On motion of Gary Risch, seconded by Albert Roenigk, to approve the request from David C. Michael. Motion Carried. Un. Approval.

THOMAS/FELT PLAN – LOT LINE REVISION – SARVER ROAD – APPROVED

Kurt & Linnea Thomas and Todd A. & Jamie M. Felt are proposing a Lot Line Revision on property located on Sarver Road. Amended revised lot number 7 will be a total of 1.31 acres. Amended lot number 8 will be a total of 3.16 acres. Both lots have existing dwellings.

The township office has received Copy of Plan, Filing Fee, Butler County Planning Commission comments (BCPC did not have any comments on this plan), Twp. Engineer comments (Upon a cursory review of the subject lot line revision we offer the following comments: The “A-1” Agricultural District and associated zoning requirements shall be denoted on the plan. South Pike Road is labeled incorrectly on the Site Location Map as per fax dated 3/1/17), Municipal Authority comments (MABT already provides sanitary sewer and water service to 629 Sarver Road; however, sanitary sewer and water service is not available to 635 Sarver Road as per letter dated 2/20/17), and Planning Commission comments (favorable recommendation contingent on complying with Twp. Engineer’s letter dated 3/1/17 as per 3/1/17 meeting minutes). Ken Howard stated there were two minor items. I believe the plan as presented tonight can be approved.

On motion of Ron Zampogna, seconded by Matt Sweeny, to approve the Thomas/Felt Lot Line Revision on Sarver Road. Motion Carried. Un. Approval.

SARVER’S MILL PRD PHASE 4 – SUBDIVISION/LAND DEVELOPMENT- APPROVED AS PRESENTED

Bryan Metzler, PE, T3 Global Strategies, Inc. is presenting the Sarver’s Mill PRD Phase 4 Subdivision/Land Development. Phase 4 is a total of 26 lots.

The township office has received Copy of Plan, Filing Fee, Twp. Engineer comments (see letter dated 2/28/17), Municipal Authority comments (Public water and sewage service will be provided by the Authority to the Phase 4 Sarver’s Mill Plan of Lots. The water and sewage construction plans were received March 3, 2017, and have yet to be approved), and Planning Commission comments (favorable recommendation contingent on complying with the Twp. Engineer’s letter dated 2/28/17). The Stormwater Management Report and Erosion and Sedimentation Control Narrative, Plan, and Details are currently under review at the DEP.

Ken Howard stated we had a list of comments at last week’s meeting. The Developer has provided us with revised drawings. As of today there is one minor item and explained. You could approve this as presented. Ray Smetana stated they wanted to do away with the 8’ high fence around their bio retention area. I told them they would need to ask the Board for a waiver. Jim Rumbaugh explained the bio retention area. He stated these are also called Rain Gardens. In our plan this is in the rear yard of several houses that are going to be very expensive houses. We tried to put something in that would be very attractive. This is the most attractive thing we could come up with. He explained the

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highest elevation of water. These are landscape features. We are asking for a waiver for the 8' fence. John Haven commented about safety. Jim Rumbaugh stated it is the Homeowner's Association responsibility to maintain this. This will be inspected by the County Conservation District to make sure it is installed properly and then it will be deeded over to the Homeowner's Association. John Haven stated I am concerned about the responsibility for maintaining it. Will the Homeowner's maintain it; it is no good if it is not maintained. Jim Rumbaugh stated in the past week I have done a lot of research on bio retention. One of the things that I found for requirements for not having a fence was to have a 4 to 1 slope. When T3 Global did the design of this they dropped the slope to a 4 to 1 slope. Now you are talking about half a foot of water with a 4 to 1 side slope which is very easy to walk up a 4 to 1 side slope. This way it is basically equal to a handicap ramp. Bryan Metzler, T3 Global Strategies, stated this facility has been reviewed by the DEP and it has gone through their review. Jim Bonner, Executive Director of the Audubon Society, commented on Rain Gardens. John Haven asked who is going to check on the Homeowner's Association to make sure that they are maintaining this? Jim Rumbaugh answered the Conservation District or DEP will inspect. I can set up a fee schedule and put it in the budget now then you can inspect it annually or semiannually. Ken Howard stated our concerns with this particular stormwater management facility which this is classified under your Stormwater Ordinance is that the designers have it designed to have a potential of 18 inches or more of water in it. Your Ordinance does not allow this without a fence. Bryan Metzler explained the max stage is 12 inches. John Haven stated I have an issue with the depth of water. Ron Zampogna stated I think this is more aesthetic and asked how can we work with this? Ken Howard stated your Ordinance is pretty clear; it says a fence. It doesn't say what kind of fence. If you want to change your Ordinance, you could delete that requirement. You will have to rewrite the Ordinance. Jim Rumbaugh stated we are asking for a waiver. Atty. Lutz asked what is your timing of construction for what you are showing us on the drawing right now? Jim Rumbaugh stated 9 months from now. Atty. Lutz stated you have a plan right now that shows an 8' fence. If we approve as presented tonight, I think there is some feeling from the Supervisors that we should revisit this Ordinance. That would give us an opportunity to amend the Ordinance. We could approve it and then come back in and show us that they are in compliance with the new Ordinance. Jim Rumbaugh stated that would be fine.

On motion of Gary Risch, seconded by Ron Zampogna, to approve the Sarver's Mill PRD Phase 4 Subdivision/Land Development as presented (with fence). Motion Carried. Un. Approval.

TWIN OAKS – PRD NO. 1, PHASE 1 – LAND DEVELOPMENT AND SUBDIVISION – TABLED

Atty. Lutz stated Ken Howard, John Allen and his Representatives met outside and we had a lengthy discussion. The result is Mr. Allen has provided me with a request, that I have written up and he has signed, requesting the time for approval until March 23, 2017. Mr. Allen and the Engineers are going to work to get the design drawings to Ken for the Highway Occupancy Permit. That was one of the items in Ken's letter; it was discussed at the Planning Commission Meeting. The Engineers are hopeful that they can get things done that quickly with the understanding that we will get it on the agenda for March 22. If it gets done and Ken has an opportunity to review it, there are also a couple of other things

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we have to do—Developer’s Agreement, Homeowner’s Association Agreement, and the Stormwater Agreement. Mr. Allen would like to discuss some of the other issues about this process and a waiver request. You won’t have to act on it tonight. John Haven asked is this extension for the HOP? Atty. Lutz answered it is for approval of the plan; we are required under the MPC to approve within 90 days of the application. Mr. Allen has all ready has an extension request to March 15; he has agreed to extend that to March 23. Ken and I will both be here on March 22. John Allen asked if the drawings are to you by the 17th is that sufficient time for you to review them? Ken Howard answered yes. There is a list of items in our review letter that are outstanding. A modification has been requested regarding the grade required on the street. Kevin Brett, Lennon, Smith, Souleret Engineering, Inc. explained the request. John Allen stated we could do that either way. John Haven asked where is Oaks Drive? There isn’t an Oaks Drive; it should be Twin Oaks Drive. Atty. Lutz stated you are not being asked to act on this tonight. Ken Howard stated the 6 inch pipe to their Rain Garden Facility; our Ordinance requires a 15” pipe. John Allen stated we had a lengthy discussion. Ken Howard stated we can support the modification for a 6” pipe and explained. We have previously discussed the radius of Hepler Road. We need the design drawings for the Highway Occupancy Permit. They are proposing that the Homeowner’s Association will be required to do street sweeping; the frequency of the street sweeping would have to be part of their Homeowners Association Agreement. Their obligation would be do that in perpetuity. We have received the details on the rock slope design. We have asked that they verify that all utility companies approve the landscaping on top of the utilities. The General Items include Stormwater Management Maintenance Agreement, HOA Agreement, and the Developer’s Agreement. Atty. Lutz stated those are all for me. I will work with Mr. Allen to get those all finalized. John Allen stated we will endeavor to have all of the paperwork to the Attorney by March 22. Atty. Lutz stated it is up to the Engineers to pull this off; if they don’t pull it off, you and I have an understanding, that you will extend this again to the April Meeting. Peggy Bonfiglio, Julia Road, asked about the street sweeping? Atty. Lutz stated the township will take over the streets as some point; but the Homeowner’s Association will do the street sweeping.

On motion of Gary Risch, seconded by Matt Sweeny, to table the Twin Oaks PRD No. 1, Phase 1 Subdivision and Land Development until March 23, 2017. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Peggy Bonfiglio, Julia Road, asked about having a common refuse pickup for the township? John Haven answered people wanted to keep their haulers.

Jim Jackson, Parker Road, asked about people building houses with no access to the back door? Roger Kelly, Zoning Officer, answered I talked to Ron Young our Building Inspector. He stated that they can do that under the Building Code.

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ADJOURNMENT was on motion of Gary Risch, seconded by Matt Sweeny, at 9:10 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY