

**BUFFALO TWP. SUPERVISORS – REG. MONTHLY MEETING – APRIL 12, 2017**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, April 12, 2017, in the Buffalo Township Municipal Building and convened at 7:30 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	Absent
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.

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**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 attended the DGR/LVR QAB Meeting on March 23.
  - (c) John Haven attended the XTO Cap Meeting on March 23.
  - (d) John Haven attended the BCCD Board Meeting on March 23.
  - (e) John Haven, Albert Roenigk, Ken Howard, Representatives from JC Lee, and Representatives from Summit, Winfield, and Freeport attended a BCCD Meeting with Leo Rosenbauer on March 30.
  - (f) John Haven attended the Parks and Recreation Meeting on April 4.
  - (g) The Board of Supervisors held their Annual Road Tour on April 8.
  - (h) John Haven, Albert Roenigk, Ken Howard, John Gaydos, and Larry Smith met with Representatives from the Oaks Plan to inspect Julia Road and Ingrid Court.
  - (i) John Haven, Ken Howard, John Gaydos, and Ken Boroski met with JC Lee for a construction meeting for the Trail Project on April 10.
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## **BUFFALO TWP. SUPERVISORS – REG. MONTHLY MEETING – APRIL 12, 2017**

**APPROVAL OF THE MINUTES** of the March 22, 2017, 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 REPORTS**

The Treasurer's Report was read by John Haven. Acceptance of the Treasurer's Reports for February 1 – 28, 2017, and March 1 – 31, 2017, inclusive for audit, was on motion of Matt Sweeny, seconded by Albert Roenigk. Motion Carried. Un. Approval.

### **MONTHLY BILLS**

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

### **REPORTS**

- (1) **THE ELECTED TAX COLLECTOR'S REPORT** received from Carla Garia for February 2017 included \$186.20 in Twp. Real Estate Tax @ discount; \$1,294.86 in Twp. Real Estate Tax @ face; and \$22.00 in Twp. Real Estate Tax @ penalty; for March 2017 included \$10,309.40 in Twp. Real Estate Tax @ discount; and \$70,334.96 in Twp. Real Estate Tax @ face
- (2) **THE APPOINTED TAX COLLECTOR'S REPORT** received from Berkheimer Tax Administrator for March 2017 included \$117,038.83 in Earned Income Tax and \$1,957.78 in Local Services Tax
- (3) **THE APPOINTED TAX COLLECTOR'S REPORT** received from Sharp Collections for February 2017 is for \$814.17 in delinquent Earned Income Tax and for March 2017 is \$853.12 in delinquent Earned Income Tax
- (4) **WEEKLY REALTY STAMP SALES** received from the County for February 2017 is \$5,018.00 and for March 2017 is \$12,189.03
- (5) **ZONING OFFICER'S REPORT** for March 2017 is for 6 permits issued; 1 Residential Addition, 1 Residential Storage, 3 Decks/Porches/Roofs, and 1 Occupancy Permit (Check was made to Code Sys)  
Building Permit Fee: \$1,770.30      Mileage: 178 Miles      Buffalo Twp: \$329.00
- (6) **DISTRICT JUSTICE'S REPORT** for February 2017 is for \$332.82 in Ordinance & Statute Violations and \$597.76 in Vehicle Code Violations; for March 2017 is for \$576.99 in Ordinance & Statute Violations and \$423.29 in Vehicle Code Violations

### **OLD BUSINESS:**

#### **RETROACTIVE APPROVAL TO PURCHASE CONCRETE BLOCKS FOR GRAVEL BED**

Gary Risch stated we talked about this at the last meeting. Thrower's had an order for 100 that was cancelled. I talked to a couple of the other Supervisors and they agreed that we should get them. The gravel bed is built.

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On motion of Albert Roenigk, seconded by Matt Sweeny, to retroactively approve purchasing concrete blocks for the gravel bed at the cost of \$4,121.00. Motion Carried. Un. Approval.

**XTO WILL NOT START ON COMPRESSOR STATION UNTIL FALL**

John Haven stated I talked to a Representative from XTO; he stated XTO is not in a position to start on the compressor station until fall.

**ANNOUNCEMENT: RANGE RESOURCES CONTACTED BUFFALO TOWNSHIP REGARDING LIGHTNING ENERGY MOVING RIG ONTO THOMPSON ROAD SITE ON 4/11 AND WORK IS TO START ON 4/13.**

**RETROACTIVE APPROVAL TO CALL THE BOND ON SUITE-KOTE CORPORATION**

Atty. Lutz stated I have all ready done this. I notified the Bonding Company. Liberty Mutual is investigating the bonding company.

On motion of Gary Risch, seconded by Albert Roenigk, to make a retroactive motion to approve calling the bond on Suite-Kote Corporation for the application issues of Seal Coat on 11 Township Roads. Motion Carried. Un. Approval.

**NEW BUSINESS:**

**ROAD DEPARTMENT CONTRACT APPROVED CONTINGENT ON SOLICITOR'S REVIEW**

Atty. Lutz stated I didn't look at it. Gary Risch asked is there any way we can approve it contingent on his approval? Janice Zubrin stated all five of you have all ready signed it. John Haven stated but we haven't formally accepted it for approval. Atty. Lutz stated approve it contingent on my review.

On motion of Gary Risch, seconded by Albert Roenigk, to approve the Road Department Contract contingent on the Solicitor's Review. Motion Carried. Un. Approval.

**SALE OF OLD EQUIPMENT TRAILER – DISCUSSION**

Gary Risch stated we wanted to try to sell the old trailer. We can sell items on the municipal bid bond and we don't have to advertise. It is free. I want to know if anyone thought of a minimum bid. After discussion, it was decided to investigate further and to do research about the price. Jim Jackson, Parker Road, asked why are you getting rid of it? Gary Risch answered we got a newer one.

Gary Risch stated there are cut stones here; are we doing something with them or should we sell them. John Haven stated we have a use for them here. Lt. Tim Derringer commented about using them for a memorial. Bob Fletcher stated we could use them for a Rain Garden as part of the MS4.

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**REQUEST FROM ZION UNITED METHODIST CHURCH TO USE BUTLER-FREEPORT TRAIL – APPROVED**

On motion of Matt Sweeny, seconded by Gary Risch, to approve the request from the Zion United Methodist Church to use the Butler-Freeport Trail for an organized walk on May 21, 2017, from 12:30 – 2 p.m. This Walk is for Lyme’s Disease Awareness and will be on a one mile section of the Trail from Sarver to Cabot. Motion Carried. Un. Approval.

**CLEAN UP DAY ON BUTLER-FREEPORT TRAIL RETROACTIVELY APPROVED**

On motion of Gary Risch, seconded by Matt Sweeny, to retroactively approve having a Clean Up Day on the Butler-Freeport Trail. This was in the Butler Junction Area, Laneville, and Bridge Area. Motion Carried. Un. Approval. This Clean Up was organized and done by the Cub Scouts, Girl Scouts, and Boy Scouts from the Freeport and Buffalo Township Areas. Terry Tague, Parks & Recreation Committee, commented.

**STORMWATER/HOMEOWNER ISSUES – DISCUSSION**

John Haven stated on our Road Tour we saw downspouts coming out onto the township roads, sump pumps putting water out onto the township roads, and grass clippings/leaves/debris deposited onto township roads by homeowners. There was a public storm drain on private property draining onto Doyle Road. The drain was there for a long time. The Road Department thinks the pipe is crushed. Bob Fletcher commented on driveway pipes that are full. David Ivanek commented on the MS4 Project. Matt Sweeny stated we should talk to the homeowner. Atty. Lutz stated we could see if there is an easement. There are a number of Ordinances that need to be addressed with the Planning Commission and Rick Grossman. We need to have a list of everything that needs to be addressed. Ray Smetana, Planning Commission Chairman, stated I will get input from the Planning Commission. John Haven stated I will see when Rick Grossman is available; we will also get Bankson Engineers involved. Atty. Lutz stated we also need to revamp our Nuisance Ordinance; we have had difficulty with enforcement in the past. We will also deal with abandoned and dilapidated houses.

**TAP-TRAIL PROJECT WITH CONTRACTOR JC LEE STARTS NEXT WEEK**

John Haven stated there will be three sections Freeport to the Sewage Plant, Monroe Road to Sarver, and Herman Road to Marwood. There will be roads used by the Contractor in Summit, Jefferson, Winfield, and Buffalo Townships. Also, Main Street, Laneville in Freeport will be bonded. We will need to install two cross pipes for drainage that are not assigned or mapped in this project. One is in Freeport right inside the gate; the other one is approx. a half mile up. Gary Risch asked who is paying for the cross pipes? John Haven answered Buffalo Township. They weren’t part of this Grant.

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**GRAHAM PROPERTY – FLEMING ROAD – DISCUSSION ONLY**

Perry Graham stated I wanted to make a change in my deed in my two acre parcel of property on Fleming Road. There is an Ordinance in the township that requires in a subdivision money has to be provided for recreation. I have two acres of property that has four houses. I want to re-deed the property into four half acre lots. I will still retain ownership. The Board stated that would be a lot line revision; Perry Graham was told to go before the Planning Commission. David Ivanek stated that would be a continuation of a nonconforming use.

**LETTER OF DENIAL TO LCB DENYING LIQUOR LICENSE TO SHEETZ, SOUTH PIKE ROAD – APPROVED**

Atty. Lutz stated we are approaching the deadline. The School District sent a response. We could send a letter of concern because that is within 300 feet of the School. I could send a letter expressing our concern. John Haven stated that the LCB has the last word in this decision. Atty. Lutz stated I believe so.

On motion of Gary Risch, seconded by Albert Roenigk, to send a letter of concern to the LCB concerning the liquor license to Sheetz on South Pike Road which is adjacent to Freeport High School, Middle School, Stadium, and Track. Motion Carried. Un. Approval.

**LAND DEVELOPMENT**

**STEPHENS PROPERTY – BEAR CREEK ROAD – COMPANION DWELLING – APPROVED**

Michael and Sally Stephens are requesting permission to place a Companion Dwelling on their 48 acre property at 171 Bear Creek Road. The dwelling would be for Mr. Stephens' Father. The mobile/modular home would be approximately 80 feet from the existing residence and would not be installed on any kind of permanent masonry foundation. The dwelling would be installed to meet all required codes. This temporary unit would have a water service line from the existing well, electric service and would be connected to the township's sewage system. The unit would be removed within 90 days of when it would be no longer be needed.

Mike Stephens stated my Father is 84 years old and not able to take care of his home. Atty. Lutz stated there will be a time limitation on this and you will be required to come back annually to ask for approval. Mike Stephens agreed to the one year.

On motion of Gary Risch, seconded by Matt Sweeny, to approve the Companion Dwelling on the Stephens' property located at 171 Bear Creek Road for a period not to exceed one year and to come back in annually to have this approval renewed. This will be temporary and connected to public sewage. Motion Carried. Un. Approval.

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**A.M. GEHENIO – LOT LINE REVISION – PARKER & SOUTH PIKE ROADS – APPROVED**

A. M. Gehenio is proposing a lot line revision of three existing tax parcels fronting on Parker Road and South Pike Roads. Tax Parcel 6C will be a revised total of 20.185 acres and will remain a non-building parcel. Parcel 6DA will be a revised total of 27.185 acres and will also be a non-building parcel. Parcel 6D will be a revised total of 17.498 acres and has an existing dwelling.

The township office has received filing fee, copy of plan, Butler County Planning Commission comments (BCPC did not have any comments on this Plan as per letter received on 3/27/17), Municipal Authority comments (Public water and sewer service exist along South Pike Road. Public water does not exist; however, sewer exists along portions of Parker Road as per letter received 4/3/17), Twp. Engineer comments (We have completed a cursory review of the subject Lot Line Revision and it appears to contain all of the required information), and Twp. Planning Commission comments (favorable recommendation as per 4/5/17 meeting minutes). Ray Smetana stated this meets all of our requirements. David Ivanek commented.

On motion of Gary Risch, seconded by Albert Roenigk, to approve the A.M. Gehenio Lot Line Revision. Motion Carried. Un. Approval.

**BOLTZ/SPINNER – LOT LINE REVISION – EKASTOWN ROAD & MEADOW STREET - APPROVED**

A.E. & K.A. Spinner and C.D. & J.A. Boltz are proposing a lot line revision. The Spinners revised lot will be a total of 0.399 acre and Boltz' revised lot will be a total of 0.351 acre. Both parcels have existing dwellings.

The township office has received the filing fee, copy of plan, Butler County Planning Commission comments (BCPC did not have any comments on this plan as per letter received 3/27/17), Municipal Authority comments (Sewer service exists in this area; however, public water does not exist as per letter received 4/3/17), Twp. Engineer's comments (The subject property is located in the "A-2" Access Management Overlay Zoning District. Said Zoning District shall be denoted on the Plan. It appears that the two existing lots are non-conforming lots, not meeting the minimum 20,000 square feet minimum area requirement. The subject lot line revision does not remedy either non-conforming area. Ties shall be shown from all buildings to property lines. It appears that both lots may be non-conforming, violating the minimum building setbacks. The right-of-way for Ekastown Road shall be shown on the Plan, and the width denoted. The building setback lines shall be shown on the Plan. Revised Lot Number 2 may require a sanitary sewer easement be dedicated for lateral as per fax received 4/5/17), and Twp. Planning Commission comments (favorable recommendation of the Boltz/Spinner Lot Line Revision contingent on meeting the Township Engineer's Fax received on 4/5/17).

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David Ivanek stated that I just received a revised drawing; it appears that all of our comments have been satisfied.

On motion of Matt Sweeny, seconded by Albert Roenigk, to approve the Boltz/Spinner Lot Line Revision on Ekastown Road and Meadow Street. Motion Carried. Un. Approval.

**KIRKLAND – SUBDIVISION – COLE ROAD – APPROVED WITH CONTINGENCY**

Linda Kirkland is proposing a subdivision on Cole Road. The property is 10.207 acres and will be divided into two additional lots. The Planning Module was received from the Municipal Code Association and was mailed to DEP on 3/28/17.

The township office has received copy of plan, filing fee, Butler County Planning Commission comments (BCPC did not have any comments on this Plan as per letter received 3/22/17), Municipal Authority comments (No public water or sewer exists in this area as per letter received 4/3/17), Twp. Engineer's comments (Upon a cursory review of the subject subdivision, we offer the following comments: A north arrow shall be shown on the Vicinity Map. Two new residential lots are being created. The applicant shall comply with the open space requirements or pay fee in lieu of. The applicant shall comply with PA DEP and Township regulations for construction of residential on-lot sanitary sewage facilities and water supply systems as per fax received 4/5/17), and Twp. Planning Commission comments (favorable recommendation of the Kirkland Subdivision contingent on DEP approval of the Planning Module).

Cameron Kirkland stated we will be paying the fee in lieu of this evening. David Ivanek stated they took care of the north arrow. The Planning Module was mailed to the DEP for approval.

On motion of Albert Roenigk, seconded by Matt Sweeny, to approve the Kirkland Subdivision on Cole Road contingent on items set forth in Bankson Engineers Fax received on 4/5/17. Motion Carried. Un. Approval.

**REMARKS FROM THE FLOOR**

Jim Jackson, Parker Road, asked about the tractor that was sent out for repair? Gary Risch and Matt Sweeny explained. Jim Jackson stated you should talk to some mechanics before you send equipment out to be repaired. Matt Sweeny stated I work at Hunter Truck Sales; my guys work on these every day. I looked at it myself.

Terry Tague, Parks and Recreation Committee stated there will be a 5K Race on June 3 and a 10K Veterans Day Race on November 11.

Bob Fletcher commented on the ditch line and about property owners who don't clean their driveway pipes. The Road Department has to clean them. Could you put that in the new Ordinance?

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John Haven answered we could put that in with the Ordinances. We will need the Road Department's input for the Ordinances, also. Lt. Tim Derringer stated maybe you could charge a fee if it reoccurs.

**ADJOURNMENT** was on motion of Gary Risch, seconded by Matt Sweeny, at 8:30 p.m. Motion Carried.  
Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**