

BUFFALO TWP. SUPERVISORS – REG. MONTHLY MEETING – MAY 10, 2017

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, May 10, 2017, in the Buffalo Township Municipal Building and convened at 7:35 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 met with their Solicitor this evening for an Executive Session in the Township Municipal Bldg.
 - (b) John Haven attended the D & G QAB Meeting on April 27.
 - (c) John Haven attended the BCCD Board Meeting on April 27.
 - (d) John Haven, Albert Roenigk, and Ken Howard attended a meeting with JC Lee Officials to finalize the plan for the Butler-Freeport Community Trail repairing project on April 28. Officials from Summit, Winfield, and Jefferson Townships and Freeport also attended.
 - (e) John Haven attended the Penn Dot Scoping Meeting for the Ekastown Road Project on May 2.
 - (f) John Haven attended the Parks & Recreation Committee Meeting on May 2.
 - (g) John Haven, Albert Roenigk, John Gaydos, and Ken Howard attended a meeting on May 3 with Suit- Kote Officials to plan for the repairing of 11 township roads.
 - (h) John Haven, OIC Tim Derringer, and Matt Cypher from the Buffalo Twp. VFD attended a meeting with 911 on the new radio system on May 3.
 - (i) John Haven and Albert Roenigk attended the Planning Commission Meeting on May 3.
 - (j) John Haven attended the BCCTB Great Outdoors Adventure Meeting on May 4.
 - (k) John Haven attended the SPC TIP Meeting in Butler on May 9.
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APPROVAL OF THE MINUTES of the April 26, 2017, Regular Monthly Meeting of the Buffalo Township Board of Supervisors, as recorded, was on motion of Matt Sweeny, seconded by Ron Zampogna. Motion Carried. Un. Approval.

ACCEPTANCE OF THE TREASURER’S REPORT

The Treasurer’s Report for April 2017 was read by John Haven. Acceptance of the Treasurer’s Report for April 1 – 30, 2017, 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 Gary Risch, seconded by Matt Sweeny, to pay the monthly bills. Motion Carried. Un. Approval.

REPORTS

- (1) **THE ELECTED TAX COLLECTOR’S REPORT** received from Carla Garia for April 2017 is \$208,009.35 for Twp. Real Estate Tax @ discount and \$29,253.00 in Per Capita @ discount
- (2) **THE APPOINTED TAX COLLECTOR’S REPORT** received from Berkheimer Tax Administrator for April 2017 is for \$55,032.22 in Earned Income Tax and \$14,417.12 in Local Services Tax
- (3) **WEEKLY REALTY STAMP SALES** received from the County for April 2017 is \$8,525.28
- (4) **ZONING OFFICER’S REPORT** for April 2017 is for 18 permits issued; 4 Single Family Residences, 3 Residential Additions, 1 Commercial Roof Repair, 2 Residential Storage, 2 Decks/Porches/Roofs, and 6 Grading Permits
Building Permit Fee: \$5,913.95 Mileage: 214 Miles
Lot Development Fund: \$1,032.13 Grading Permit Fee: \$385.00
- (5) **DISTRICT JUSTICE’S REPORT** for April 2017 is for \$296.72 in Ordinance & Statute Violations and \$619.09 in Vehicle Code Violations

OLD BUSINESS

POLICE/FIRE RADIOS FOR NEW 911 RADIO SYSTEM & PAGERS FOR FIREMEN – DISCUSSION

Matt Cypher stated our cost for the mobile and portable is approx. \$18,900. The County will be paying 75 percent. We are going to have to purchase 25 – 30 new pagers at a cost of \$352 each. We are going to start purchasing them now to help alleviate the cost. We are looking forward to switching over and moving on. We began paperwork for a Federal Grant and Butler County is going to try to get a County Wide Grant for all of the Fire Departments. John Haven stated your department is \$18,143.39 and Sarver’s is \$22,342.98. Matt Cypher stated ours will be a little less than that and explained. John Haven asked have you talked to Sarver, are you going to apply for the Grant? Matt Cypher answered Butler Township is actually going to apply for the Grant and are trying to get people to go in with them. John Haven asked do you and Sarver think that you can cover these costs? Matt Cypher stated I haven’t

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asked that question; I will ask him this weekend. As far as Buffalo, we are prepared to cover the costs. Lt. Tim Derringer stated the cost for the Police Department will be \$10,017 and for the portables it will be \$16,197. John Haven stated we will put that in our budget for the radios.

BUTLER-FREEPORT COMMUNIT TRAIL REBUILDING/REPAVING PROJECT – SCHEDULE AND TIMELINE

John Haven stated J.C. Lee will be starting on 5/22/17. The Trail will be shut down while they are working on each section. Chris Ziegler, Butler-Freeport Trail Council President, asked is that just during business hours? John Haven answered the whole time. A resident asked if this is a Legal Contractor? John Haven answered he is out of Meadville; he was the lowest bidder.

BUTLER COUNTY INFRASTRUCTURE LOAN

John Haven stated we will need feedback to complete the survey. It will need to be sent back to the County by May 31 with comments. We just received this paperwork tonight. I am going to give the Supervisors a chance to look it over so that we can make our comments for the survey. We still have time by our next meeting. Ron Zampogna stated if we qualify for it; we can obtain a ½ percent loan. John Haven explained how it will work; it will pay a big portion of the interest for an Infrastructure Loan. This was introduced at a COG Meeting; everyone there was very interested in it.

SUIT-KOTE TO RESEAL/COAT PORTIONS OF 11 BUFFALO TOWNSHIP ROADS IN MID JUNE

John Haven stated they estimate that it will take three days to complete. Albert Roenigk stated they are going to go over all of the roads that they did. There are bad spots that they are going to redo and then go over all of them. They want to make it right. John Haven stated they agreed to correct the problem.

APPROVAL FOR PENN DOT TO PURCHASE PROPERTY FOR BRIDGE PROJECT IN WINFIELD TOWNSHIP

Atty. Lutz explained stated I received the documentation from Penn Dot in regard to the bridge project in Winfield Township in connection with their work. They need a small portion of our property. The amount is approx. \$9,127. I recommend that you approve it.

On motion of Gary Risch, seconded by Albert Roenigk, to approve Penn Dot purchasing property for the bridge project in Winfield Township. Motion Carried. Un. Approval.

ESTABLISHING RATES FOR SPECIFIC CONSTRUCTION PROJECTS FOR COMMERCIAL BUSINESSES

Atty. Lutz explained that Butler Township charges a nominal fee. Roger Kelly, Twp. Zoning Officer, stated that Code Sys charges a fee. They need our building permit for a number. He suggested looking at this when we are redoing the Zoning Ordinance at the Workshop.

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**AUDUBON JOINT OPERATING AGREEMENT AND MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN BUFFALO TOWNSHIP AND THE AUDUBON SOCIETY OF WESTERN PENNSYLVANIA**

Atty. Lutz stated we are going to meet tomorrow with Jim Bonner and their Attorneys to iron out the details and bring it back to the Board. A Representative from the Audubon Society welcomed Renee Alchier to their Staff.

**QUESTIONS OR SUGGESTIONS FOR ORDINANCES IN BUFFALO TOWNSHIP CAN BE BROUGHT BEFORE
THE BUFFALO TWP. PLANNING COMMISSION WORKSHOP ON WEDNESDAY, JUNE 7 AT 6:30 P.M.**

Ray Smetana, Chairman of the Planning Commission stated you can also drop off suggestions or questions about the Ordinances here at the Township Municipal Building.

PURCHASE OF SKID STEER – TABLED

Gary Risch stated I would still like to get one. Bob Fletcher, Road Department, stated I think it would be very helpful. Gary Risch stated Ron checked into getting someone to come and sweep the streets; it would cost approx. \$10,000 a year to have someone come in and sweep. It would probably end up being more when we take over other Plans. Ron Zampogna stated I am not opposed to it; I would like to take a little more time to gather information. Albert Roenigk stated we have too many things going on now; I don't think now is the time. John Haven stated we did not put this in our budget last year for this year; I think we should discuss this during our budget workshop. I don't see where we have any room in our budget; we have a lot of other things on our plate right now. If we budget ourselves for the coming year, we can make payments. I think that is the way to go. Gary Risch stated we have a 35 year old tractor that we are using now to sweep with. They have to wear a mask because the dust is so bad when they use it. They use that tractor for other things. I thought if we didn't use it for sweeping, it would last longer. I discussed it with our Treasurer; she felt that we could afford buying it if we make payments. Ron Zampogna stated I am not opposed to that. My concern is that we have an issue with Hepler Road and an issue with Ralston Road. We have roads we have to keep up with. Albert Roenigk stated we haven't done much paving in the last five years. Gary Risch stated I think our roads are in good shape. Matt Sweeny stated we need to be able to afford it. Janice Zubrin stated we have money; but we also have six loans out. John Haven stated Sarver True Value has bobcats for rent. Bob Fletcher stated they are not the cheapest thing to rent.

On motion of Gary Risch, seconded by Albert Roenigk, to table purchasing a Skid Steer. Motion Carried. Un. Approval.

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NEW BUSINESS

OPENING OF SEALED BIDS AND AWARDING CONTRACTS FOR 2017 ROAD WORK

984 TON (MORE OR LESS) SUPERPAVE WEARING COURSE, 9.5 mm. IN PLACE

	<u>Price Per Unit</u>	<u>Total Price</u>
Derry	\$66.30	\$65,239.20
Holbein	79.83	78,552.72
Shields	67.45	66,370.80
Wiest	67.35	66,272.40

94,547 S.Y. (MORE OR LESS), SINGLE BITUMINOUS SEAL COAT, SRL G IN PLACE

Midland	1.559	147,398.77
Russell Standard	1.066	100,787.10

On motion of Gary Risch, seconded by Albert Roenigk, to award the bid for 984 ton (more or less), Superpave Wearing Course, 9.5 mm, in place to Derry at \$66.30 per unit and a total price of \$65,239.20; and to award the bid for 94,547 s.y. (more or less), Single Bituminous Seal Coat, SRL G in place to Russell Standard at \$1.066 per unit and a total price of \$100,787.10. Motion Carried. Un. Approval.

BUTLER COUNTY WANTS TO INSTITUTE A \$5.00 FEE ADDED TO THE VEHICLE REGISTRATION FOR MAINTENANCE OF ROADS AND BRIDGES IN BUTLER COUNTY – DISCUSSION

John Haven stated the Commissioners had a meeting today; they will also be discussing this next Wednesday. This would be added to your vehicle registration and it will be earmarked specifically for roads and bridges in Butler County. They would like everyone's input. Vicki Hoffman, Bear Creek Road, stated no way that will happen. John Haven stated this will generate approx. \$900,000. Penn Dot will throw in \$2 million dollars. A resident stated we have the highest gas tax in Pennsylvania; everyone wants to tax everyone. I am a senior citizen and I am not for it. Gary Risch stated look at your tax cards and see what your local taxes are.

LAND DEVELOPMENT

HARROCKS/LAUBE – LOT LINE REVISION – TRUTH TRAIL – APPROVED WITH CONTINGENCY

John Harrocks and Melissa Laube are proposing a lot line revision on their properties located on Truth Trail. They are requesting that the lot line be the center of the creek. Proposed Lot #1 will be a

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new total of 1.22 acres and has an existing dwelling. Proposed Lot #2 will be a new total of 2.86 acres and also has an existing dwelling.

The township office has received the Filing Fee, Copy of Plan, Butler County Planning Commission comments (BCPC notes that this Lot Line Revision does not agree with the Buffalo Township SALDO Section 305.2 – Side lines of lots shall be approx. at right angles to straight streets and on radial lines on curved streets wherever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design. BCPC didn't have any other comments on this Plan as per letter received 4/21/17), Municipal Authority comments (There is public water and sewer service within the vicinity of both properties; however, service is only furnished to 105 Truth Trail. The distance for a mandatory tap is exceeded for 120 Truth Trail; therefore, this customer is not required to tap in as per letter received via email 5/1/17), Twp. Engineer comments (Upon a cursory review of the subject Subdivision Plan we offer the following comments: A North Arrow shall be shown on the Vicinity Map. The Notary Acknowledgements for Owners Adoption are listed for Allegheny County. A drainage right-of-way – minimum 15' wide-shall be shown on the Plan for the existing creek as per letter received 5/3/17, and Twp. Planning Commission comments (Favorable recommendation contingent on complying with the items in Bankson Engineers' Review Letter received on 5/3/17).

Ken Howard stated they are just moving the boundary line. They were to submit a revised plan with a couple of minor adjustments. I have not received the revised copy of the Plan. Rhonda Swartz stated it was submitted yesterday. Ken Howard stated we would recommend that you could approve the Plan as presented.

On motion of Gary Risch, seconded by Matt Sweeny, to approve the Harrocks/Laube Lot Line Revision on Truth Trail contingent on complying with the items in Bankson Engineers' Review Letter received on 5/3/17. Motion Carried. Un. Approval.

P. E. GRAHAM – LOT LINE REVISION – FLEMING ROAD – APPROVED

P. E. Graham is proposing a Lot Line Revision of Parcel 040-1F79-1D for an existing two acre parcel with four existing single family residences. This Plan proposes four separate lots of a ½ acre each for each of the dwellings. Each lot has its own septic system. Present zoning require these to be designated as non-conforming lots.

The township office has received the Filing Fee, Copy of Plan, Municipal Authority comments (There is no public water or sewer within the vicinity of this property as per letter received 5/1/17), Twp. Engineer comments (Upon a cursory review of the subject Subdivision Plan we offer the following comments: The subject parcel is an existing nonconforming use, containing four dwellings on one parcel. The four proposed lots will be nonconforming, not meeting the minimum lot area – 80,000 S.F. or 100' setback – as per "A-2" Access Management Overlay District), and Twp. Planning Commission comments (favorable recommendation as per 5/3/17 meeting minutes).

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Ken Howard stated this is a nonconforming use containing four homes on one parcel. It solves the problem of having multiple homes on one parcel. We recommend the Plan be approved as presented.

On motion of Gary Risch, seconded by Matt Sweeny, to approve the P. E. Graham Lot Line Revision on Fleming Road. Motion Carried. Un. Approval.

OBRINGER – LOT LINE REVISION – BEAR CREEK ROAD – APPROVED

Nicholaus and Laura Obringer are proposing a Lot Line Revision for their two properties located at 278 and 282 Bear Creek Road. Both properties have existing dwellings. Proposed Lot #1 will be a new total of 1.08 acres and Proposed Lot #2 will be a new total of 0.81 acre.

The township office has received the Filing Fee, Copy of Plan, Municipal Authority comments (There is public water and sewer service which is furnished to both of these properties as per letter received via email on 5/1/17), Twp. Engineer comments (Upon a cursory review of the subject Subdivision Plan we offer the following comments: Lot No. 1 is existing, nonconforming, not meeting the minimum lot area – 80,000 S.F. The subject Lot Line Revision will not remedy the nonconforming area. Lot No. 2 is existing, nonconforming not meeting the minimum lot area-80,000 S.F. or 50' front setback. The subject Lot Line Revision will not remedy these nonconforming conditions as per letter received 5/3/17), and Twp. Planning Commission comments (Favorable recommendation as per 5/3/17 meeting minutes).

Ken Howard stated these are two existing nonconforming lots. Their plan is to more centrally locate the property line. We recommend that it be approved as presented. Atty. Lutz stated there was some discussion at the Planning Commission Meeting about a lot being landlocked. The property owners are aware of it.

On motion of Gary Risch, seconded by Albert Roenigk, to approve the Obringer Lot Line Revision on Bear Creek Road. Motion Carried. Un. Approval.

ST. PAUL'S EVANGELICAL LUTHERAN CHURCH – SITE PLAN – SARVER ROAD – APPROVED

St. Paul's Evangelical Lutheran Church is proposing a Site Plan for a new Sanctuary. The new structure is planned to be integrated into and attached to the Social Hall. The property contains 5.99+- acres of land. The Church addition will be 8,487+- square feet. The maximum building height will be 28'. The site is zoned "R-2" and is in the "A-2" Overlay District. The Buffalo Township Zoning Hearing Board granted a request for a Variance on May 12, 2016, from the minimum fifty (50) foot front yard depth requirement to a front yard depth requirement of ten (10) feet, thereby granting a Variance of forty (40) feet from the minimum front yard depth requirement.

The township office has received the Site Plan Drawings, Filing Fee, Municipal Authority comments (The Municipal Authority currently furnishes public water and sewer service to St. Paul's

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Church. MABT approves the Site Plan and requests that the Contractor coordinate inspection of the facilities with the Authority. The Authority would also like the customer to be aware that the proposed 1 and ¼ inch water line from the meter pit is served by a 5/8" water meter and ¾" water tap. If the customer wishes to upgrade the meter and water tap, there will be additional fees associated with this project as per letter received 5/2/17), Butler County Planning Commission comments (letter received 3/17/17), Butler County Conservation District comments (letter received 4/25/17), Twp. Engineer comments (letter received 5/2/17), and Twp. Planning Commission comments (favorable recommendation as per 5/3/17 meeting minutes).

Ken Howard stated the Plan as presented meets your Ordinance. We recommend that you could approve this as presented.

On motion of Matt Sweeny, seconded by Gary Risch, to approve the St. Paul's Evangelical Lutheran Church Site Plan on Sarver Road. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Sean Austin, Grimm Road, stated my neighbor didn't spread out all of the cow manure; the water did not dry up. Last October he stated I will seed it. He hasn't seeded all of it. It is the same as last summer. Atty. Lutz stated Roger Kelly will take a look at this. I will prepare some citations.

Ken Kelley stated I live at 141 Coal Hollow Road. I own property at 165 Coal Hollow Road. We had a serious water issue there. There are high levels of bacteria running through the culvert. It comes from a natural spring which I use to water my cattle. There was other water added to that. I had the water tested. John Haven asked when was that water tested? Ken Kelley answered July 2015. This is an ongoing situation. You were there and Matt Sweeny was there. John Haven asked when was the last test taken? Ken Kelley answered I haven't had one taken since then. John Haven stated we are looking at almost two years. Do you think you could have another test taken just to make sure? Ken Kelley answered I can have a test taken but what are we going to do about this. It killed 28 of my goats in four days. The goats drank that water and died. It killed a cow, a calf, and five sheep. This needs to be addressed immediately as far as I am concerned. John Haven asked did you talk to the Municipal Code Association? Ken Kelley answered yes I did. John Haven asked what was their response? Ken Kelley answered they told me to talk to the Supervisors, it is up to them to acknowledge that there is a problem there and get it fixed. Matt Sweeny stated the next step is you have to take legal action. Ken Kelley stated the DEP told me it was up to the Township Supervisors. Should we do another water test to see if there is a high bacteria coming through there? Matt Sweeny answered I don't know it that would help or not. John Haven read a letter that was written to Ken Kelley's Attorney. Ken Kelley stated I didn't receive a copy of that letter. DEP told me as long as I had an Attorney, they wouldn't talk to me so I fired her. John Haven stated we contract with the Municipal Code Association to take care of this; we have to go by what their Attorney says. Mr. Kelley was given a copy of the letter. Ken Kelley commented on the dye test. Atty. Lutz commented.

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ADJOURNMENT was on motion of Gary Risch, seconded by Matt Sweeny, at 8:35 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY