

BUFFALO TWP. SUPERVISORS – REG. MONTHLY MEETING – MAY 24, 2017

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, May 24, 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	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 in the Township Municipal Bldg.
- (b) John Haven and Attorney Larry Lutz met with Jim Bonner ASWP and Gaylen Price in reference to the Audubon-Buffalo Township MOU on May 11.
- (c) John Haven, Gary Risch, Janice Zubrin, Rhonda Swartz, and Carla Garia attended the Butler County Association of Township Officials Convention on May 18.
- (d) John Haven attended a meeting with BCCTB regarding a hotel in Buffalo Township on May 18.
- (e) John Haven attended the MABT Meeting on May 18.
- (f) John Haven, Gary Risch, Ron Zampogna, Ken Howard, Dave Ivanek and Ray Smetana met with Representatives from Bozzone-Buffalo Town Center for a TIS Scoping Meeting on May 22.

APPROVAL OF THE MINUTES of the May 10, 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.

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OLD BUSINESS

SKID LOADER – DISCUSSION

Ron Zampogna stated I talked to Janice about some of the outstanding loans that we have; right now we have five outstanding loans. It would be my opinion not to put on another loan at this point. I think that moving forward it is a great piece of machinery. We have a few of them in our business. To put more debt on would be against my better judgment. We should maybe pay down one of the vehicles since there is money in the General Fund. Janice Zubrin stated I wanted to pay off the Tax Anticipation Loan and then that is what I intended on doing. Ron Zampogna stated I agree; the Tax Anticipation Loan should be first. John Haven stated we can discuss this in October at our Budget Workshop. Ron Zampogna stated I think it would be a great purchase but not right now. Matt Sweeny stated we need to get one when we can afford it. We need to come up with a plan on replacing police cars and maintenance vehicles. We could plan our loans accordingly. John Haven asked how long have we had our grader; we use that a lot. Albert Roenigk commented. Gary Risch stated we need to get a schedule for replacing police cars, trucks, and heavy equipment. The township's heavy equipment was discussed. Ron Zampogna stated we have to free up money before we can add more debt. Gary Risch stated about having capital reserve to buy cars, equipment, etc. When other townships need to buy something, instead of borrowing money they take it out of capital reserve to pay for it and pay back the capital reserve. Janice Zubrin stated we had capital reserve; it got depleted. I am just building it back up again. Albert Roenigk stated you have to watch what you spend. I agree it is a nice piece of equipment; but now is not the right time to buy it.

“MOU” WITH AUDUBON AT NATURE PARK – APPROVED WITH CONTINGENCY

On motion of Gary Risch, seconded by Matt Sweeny, to approve the “MOU” with the Audubon at the Nature Park contingent on Atty. Larry Lutz's final review and approval. Motion Carried. Un. Approval.

OPERATING AGREEMENT WITH AUDUBON SOCIETY AT NEW NATURE PARK – APPROVED WITH CONTINENCY

Attorney Larry Lutz stated Jim Bonner is here tonight. We had meetings with Jim Bonner from the Audubon and lawyers. We had some discussions about some changes we wanted to make. It is a unique situation. These two Grants are somewhat intertwined even though it is a DCNR Grant in our name. It is my recommendation that you approve the Agreement as presented with some modifications that I can make. Jim had sent me an email with some concern with who controls things when the money comes in and the contracts go out. It looks like it is going to be in everybody's best interest to do it in a way Jim suggested to run it through the Audubon Society; they could fund it and we could reimburse them. We would have power to not reimburse them if we would disagree with something that they are doing. The DCNR money would come to us. I am okay with approving the Agreements

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contingent upon me making some modifications to it. I understand that there have been some meetings with the DEP and there are some more things that are going to have to be taken care of before we can figure out the exact land configuration. That is an attachment to the Operating Agreement. Until that gets done we can sign that Agreement but we can certainly approve it contingent on those things.

On motion of Matt Sweeny, seconded by Gary Risch, to approve the Operating Agreement with the Audubon Society at the new Nature Park contingent on the finalization of the attachments and Atty. Larry Lutz's final review and approval. Motion Carried. Un. Approval.

Jim Bonner stated we should know the description of the subdivision in about a week.

CONTRACTING SERVICE TO MAINTAIN TRAIL – GRASS MOWING, SURFACE REPAIRS, AND LIGHT EXCAVATING – DISCUSSION

John Haven stated this is to discuss possibly not using our road workers to work on the Trail. Is this something we want to address? We could use the Recreation Impact Fee for this. Albert Roenigk and Gary Risch both asked where did this come from? We haven't heard about this. John Haven stated we were talking about it. Gary Risch asked who are we? John Haven answered you and me. You didn't want them working on the Trail anymore. Gary Risch stated I said I didn't want to spend the money. I don't remember you saying about contracting anybody. All of the work that was done on the Trail this year by our people, was that paid out of the Impact Money or the General Fund? Janice Zubrin answered no one told me. John Haven stated that is where it should be coming from. Gary Risch asked can we correct that somehow? Take the money out of the Impact Fee and put it in the General Fund. Janice Zubrin stated this is the first that I was told about it. Gary Risch stated I was always under the understanding that is the way it should be done. Albert Roenigk stated that is like apples and oranges. Gary Risch stated no it isn't; the Impact money is from people who are building homes not the taxpayers' money. Taxpayers aren't paying for stuff in other townships; it is coming out of the Impact Fee for recreation. Matt Sweeny stated I don't think it would hurt to get some prices. Albert Roenigk asked are we talking about mowing in Buffalo Township? John Haven answered other townships.

TRAIL REPAVING PROJECT SCHEDULE/TIME LINE – DISCUSSION

John Haven stated they haven't started yet. Debra Stevens stated there are no workers on the Trail. The schedule that you posted on your website isn't correct. John Haven stated that is the schedule that the contractor gave us; we are not responsible for that. Debra Stevens stated when are we going to get a correct schedule? John Haven answered we will have Brad redo his schedule. Debra Stevens stated but it is for your project. John Haven stated that is a Penn Dot Project. Debra Stevens stated so Buffalo Township has nothing to do with it. Albert Roenigk stated we had to do the grading and get it ready; that was our part. Atty. Lutz stated we weren't involved in the direct negotiations in the contract because it is coming through Penn Dot. Penn Dot and JC Lee that is their contractor made these arrangements. I understand there are a lot of things being done to accommodate people who use

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the Trail. John Haven stated in speaking with Brad, he wanted to start this week but couldn't because of the weather. This schedule is dependent on the weather. He is going to be working four ten hour days. Debra Stevens asked is the Trail going to be posted? Buffalo Township has nothing to do with the resurfacing of the Trail? Atty. Lutz answered no; it was explained that we graded it. The scheduling we did not. Debra Stevens asked did you win a Grant? John Haven answered speak to me; this is a Grant from Penn Dot. Penn Dot bid out and contracted out the job. This schedule is the only thing we have. A member of the Trail Council stated the issue is who has the responsibility to give notice to the public that the Trail is closed? That is what we are trying to figure out so the public will have the knowledge. John Haven stated they are going to work in sections. If they are working in a particular section, maybe between Rhonda and Brad to send an email of where and when they are working, we could get it posted on our website. Atty. Lutz suggested copying the Trail Council on the email. A representative from the Trail Council asked what if people travel hours to get here and the Trail is closed? John Haven asked which section? The Trail Council Representative answered anywhere. Gary Risch stated they are trying to fix the Trail. That is like when they close the Liberty Bridge or close the Parkway. This is something that has to be done. The Trail Representative stated there hasn't been a press release or anything. Gary Risch stated you just confirmed my point that local people don't use the Trail; you said people drive hours to come and use it. John Haven stated Brad is going to work on one section at a time. While he is working on that section, the rest of the Trail will be open. Atty. Lutz stated why we don't get Brad to give us a schedule with the understanding it can change. Ron Zampogna stated Brad should report to Rhonda about what section he is on. I would suggest people call the township and ask Rhonda what section is closed and when it will be closed. We should be able to do that. Chris Ziegler, Butler-Freeport Trail Council President, stated there should be signs up. Matt Sweeny stated I am sure that we will try and do that; we are going to be a slave to the weather. Albert Roenigk stated he should call every morning. Ron Zampogna stated I agree. Atty. Lutz stated from the legal side of it, it is very important that we notify people not to be on the Trail when they should not be on the Trail. The earlier we can get that notice out the better we are and the more people that we can communicate it to. John Haven stated Brad is going to have the Trail blocked off even before he starts on it. A number of people were talking at this point. John Haven stated I will have Brad shut the whole Trail down. I asked Brad do you want anybody on the Trail while you are operating. He said absolutely not. Some suggestions were made to block off the Trail parking. Atty. Lutz stated Ron suggested that I contact Brad. John Haven stated I will contact Brad; he is the Project Manager. I will call him and give him Chris' and Rhonda's numbers. Ron Zampogna stated part of his job is to notify the public. Atty. Lutz stated he has bigger liability problems than the township; he is not immune. Ron Zampogna stated if he doesn't want to do what John asks tell him to contact Atty. Lutz. I wouldn't necessarily go by what is on the website.

REMINDER: ORDINANCE WORKSHOP ON WEDNESDAY, JUNE 7, AT 6:30 P.M. BEFORE THE PLANNING COMMISSION MEETING

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NEW BUSINESS

APPROVAL TO HIRE PART TIME POLICE OFFICER

Lt. Tim Derringer recommended that the township hire a part time Officer. One will be off for an extended period of time. On motion of Gary Risch, seconded by Matt Sweeny to hire Nick Rutkoski as a part time Police Officer. Motion Carried. Un. Approval.

APPROVAL TO READVERTISE FOR BIDS TO PURCHASE THE ARMSTRONG CEMENT PROPERTY

Atty. Lutz explained we advertised for people to purchase that and requested formal bids at a prior meeting. We didn't receive any. However, we have some parties who are interested in it. The procedure would be we have to re-advertise for new bids in a certain number of days. Private parties can come in and make bids. If they don't bid the appraised amount, at that point, we can negotiate with them. Until we take that procedure, we don't have the ability to negotiate. That doesn't mean we are going to take the highest bid; it just means that we can talk to them. I would recommend that we make a motion to approve the re-advertising for bids for the Armstrong Cement Property.

On motion of Matt Sweeny, seconded by Albert Roenigk, to re-advertise for bids for the Armstrong Cement Property. Motion Carried. Un. Approval.

BUFFALO TOWN CENTER – DISCUSSION

John Haven stated this week we had a TIS Scoping Meeting with Penn Dot and people from Mark Bozzone's Development Center in regard to the Buffalo Town Center. This property is adjacent to Getgo on Rt. 356. Gary Risch stated they have a lot of hoops to jump through. John Haven stated they envision a grocery store, a fast food restaurant, a sit down restaurant, a retail store, and possibly senior housing in the back. It is in the very preliminary stage. Vicki Hoffman asked more housing? John Haven answered senior housing. Jim Jackson stated even if there is enough room in the schools for more students, we still would have to hire more teachers.

HOTEL IN BUFFALO TOWN CENTER – DISCUSSION

John Haven stated I had a meeting with Jack Cohen from the Butler County Convention and Tourism Bureau. They would like to get a hotel in this area in the same area. They are looking for people who might want to build a hotel.

EVANGEL HEIGHTS 5K RACE – DISCUSSION

Evangel Heights Christian Academy would like to expand on their annual Eagle 5K Race. This year they would like to host the event on their school campus on Beale Road. Their desire is that the 5K Race starts and ends at the school campus. The race course would be along Beale Road, Garden Way, and Silverville Road. They are requesting the Buffalo Township Police Department to assist them by closing the roads and monitoring the race course from 9 a.m. to 10:30 a.m.

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Lt. Derringer stated that is not going to happen. There is a safety issue on a state road. I recommend that you not do it because of safety. There are too many ins and outs. Matt Sweeny stated the police can't handle everything. The lead Pastor at Evangel Heights stated this is the 5th year of our race. We understand the issue. The Race Coordinator is here. Safety is number one. We submit this for your consideration. The Race Coordinator stated the race will be one hour tops. Lt. Derringer stated you might need approval from Penn Dot to shut down a state road. The Race Coordinator presented a map of the course of the race. She stated we are definitely flexible on the course. This would be on a Saturday morning. She commented on where police officers would need to be. John Haven stated we will take this under consideration; we will discuss this at our next meeting. Atty. Lutz suggested coming up with an alternative plan with as little on Silverville as possible because that is a state road. Get the new route to Lt. Derringer. Vicki Hoffman stated there are only four Fire Police; you might only get one or two on a Saturday morning. Joe Hoffman also commented on the Fire Police.

OTHER BUSINESS

Gary Risch asked who determines the cost per hour for the equipment when it is needed for a match for the Trail? John Haven answered Ken Howard and John Gaydos. Albert Roenigk stated there is a schedule for that.

REMARKS FROM THE FLOOR

Christy Myers stated I have been here about my chickens. At that time you said you would be making changes and updates to the Ordinances. I was hoping to come to the workshop in June. I was hoping that I could request a delay to see how the Ordinance works out. Atty. Lutz stated this is going to be a long process. Ray Smetana stated it will probably take a year. John Haven stated the Ordinances are legal documents. Christy Myers asked do I have any options of not getting rid of the chickens? I have made sure that my place is clean and that I have a healthy flock. John Haven asked do you know of any other municipalities that allow chickens? Christy Myers answered Fawn Township and explained their Ordinance. Ray Smetana asked can you bring copies of these other Ordinances when you come to our workshop? Christy Myers answered absolutely. John Haven asked did you talk to the gentleman who has the farm behind you about leasing an acre or two? Christy Myers answered I did a lot of research and found out the owner of the property. I did not know if it was acceptable to call someone. Atty. Lutz explained your property borders an agricultural zone. He doesn't have the residential restriction that you do. If the chickens are on his property you are in compliance, but if you keep them on your property you aren't in compliance. We have had complaints. We can't ignore the Ordinance that exists right now. You are going to have to make some arrangement. The Supervisors suggested calling the neighbor and ask to lease some property. Ray Smetana stated I can't visualize the Ordinance getting changed. Christy Myers commented on other municipalities Ordinances. Atty. Lutz stated bring in sample Ordinances.

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ADJOURNMENT was on motion of Gary Risch, seconded by Matt Sweeny, at 8:40 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY