

BUFFALO TWP. SUPERVISORS – REG. MONTHLY MEETING – AUGUST 9, 2017

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, August 9, 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, Gary Risch, and Atty. Larry Lutz met with Officials from the Bayberry Development Corp. & JKES to discuss development of the 25 acres in Buffalo Township on July 18.
- (c) John Haven and Terry Tague met with Renee Alchier and Officials from the Audubon Society of Western Pennsylvania on July 19 to plan the event for July 29.
- (d) John Haven attended the MABT Meeting on July 20.
- (e) John Haven met with Tom Swisher, Freeport; Ren Steele, Allegheny Township; John Steven, Rachel Carson/Allegheny County; and Carley Dobbins-Bucklad RTA to discuss the Trail Head in Butler Junction.
- (f) John Haven attended a quad county Conservation District Meeting on July 27.
- (g) John Haven attended a conference call with Officials from Bayberry Development and JKES on July 28.
- (h) John Haven met with John Gaydos and Larry Smith to survey the storm damage on the newly resurfaced trail between Herman and Marwood on August 1.
- (i) John Haven and Atty. Rebecca Black attended the Conservatorship Hearing for the Buffalo EMS Building on August 2.

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- (j) John Haven, Gary Risch, Albert Roenigk, and Matt Sweeny attended the Ordinance Workshop and Planning Commission Meeting on August 2. Atty. Larry Lutz attended the Planning Commission Meeting on August 2.
 - (k) John Haven and Ken Howard inspected storm damage to the resurfaced trail between Herman and Marwood on August 3.
 - (l) John Haven and Officials from SPC met regarding available Grants for the Trail Head in Butler Junction, 356 widening projects, and possible Grants for Trail Rehabilitation on August 9.
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Gary Risch asked what happened at the Water Authority Meeting? Someone called and asked me about the water tank; it had to be drained. John Haven explained it had to do with the holding time and the chlorine. Gary Risch stated people got letters about it and were asking about it and I knew nothing about it. John Haven stated it only concerned people in the neighborhood. Gary Risch stated you should have let us know about it.

Gary Risch asked what was the meeting to discuss the Trail Head in Butler Junction? John Haven answered that was with the RTA about the Trail Head in Butler Junction. Gary Risch asked are we involved in that? Is it going to cost us money for that? John Haven answered we are involved. Carley Dobbins-Bucklad will speak later in the meeting.

Gary Risch asked what about the quad county Conservation District Meeting? John Haven answered that was to prioritize what the Conservation District is going to do next year. Gary Risch answered are we involved in anything? John Haven answered our Butler District is.

Gary Risch asked what about the conference call with Officials from the Bayberry Development and JKES? Atty. Lutz answered that was a conference call I was involved in concerning the connection between the two plans.

APPROVAL OF THE MINUTES of the July 12, 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.

MONTHLY BILLS

After reviewing invoices and bills presented for payment, it was on motion of Ron Zampogna, 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 July 2017 included \$626.94 in Twp. Real Estate Tax at discount and \$187.00 in Per Capita at penalty

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- (2) **THE APPOINTED TAX COLLECTOR’S REPORT** from Berkheimer Tax Administrator for July 2017 is \$45,322.12 in Earned Income Tax and \$12,753.33 in Local Services Tax
- (3) **THE APPOINTED TAX COLLECTOR’S REPORT** from Sharp Collections for June 2017 is \$1,051.52 and \$844.92 in delinquent Earned Income Tax
- (4) **WEEKLY REALTY STAMP SALES** received from the County for June 2017 is \$15,357.87; for July 2017 is \$10,529.17
- (5) **ZONING OFFICER’S REPORT** for July 2017 is for 15 permits issued; 3 Single Family Residences, 1 Residential Storage, 1 Residential Garage, 5 Decks, Porches, & Roofs, 1 Carport, and 4 Grading Permits
Building Permit Fee: \$2,841.75 Grading Permit Fee: \$130.00
Mileage: 209 Miles Lot Dev. Fund: \$200.00
- (6) **DISTRICT JUSTICE’S REPORT** for June 2017 is for \$187.74 in Ordinance & Statute Violations and \$569.28 in Vehicle Code Violations

OLD BUSINESS

LETTER FROM PENN DOT REGARDING THE SPEED LIMIT ON EKASTOWN ROAD between Fleming Road and Beale Road. Penn Dot does recommend that additional 35 MPH Signs be installed through the residential area along Ekastown Road to heighten the awareness of the existing 35 MPH Speed Zone. Albert Roenigk asked it says from Fleming Road? They made it 45. Lt. Derringer commented on the speed limit. Matt Sweeny stated we need to add the signs in the proper places.

TWIN OAKS PRD PLAN – RETROACTIVELY REAPPROVED

Atty. Larry Lutz stated this concerns the Twin Oaks Development between Parker Road and Hepler Road. We approved the Plan in March or April. When we went to record the Plan, the signatures were more than 90 days old. We need a motion to reapprove the Twin Oaks Plan retroactive to July 26, 2017.

On motion of Matt Sweeny, seconded by Albert Roenigk, to reapprove the Twin Oaks Plan retroactive to July 26, 2017. Motion Carried. Un. Approval.

LETTER FROM CHRISTINA MYERS, GARDEN WAY, REGARDING UPDATE ON CHICKEN REMOVAL FROM RESIDENTIAL PROPERTY TO AGRICULTURAL PROPERTY

John Haven read the letter dated July 28. Roger Kelly, Zoning Officer, commented.

REMINDER: THERE WILL BE AN ORDINANCE WORKSHOP ON WEDNESDAY, SEPTEMBER 6, 2017, AT 6:30 P.M.

Ray Smetana, Chairman of the Planning Commission, stated I would like the Supervisors to be more involved. The Ordinances that we are updating now have nothing to do with land development.

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TRAIL RESURFACING PROJECT UPDATE AND FOLLOW UP ISSUES AND APPROVAL TO PAY FOR STORM DAMAGES ON A ROLL CALL VOTE

John Haven stated the Contractor is almost finished. He will be moving down to the gate that Ken Howard designed. Gary Risch asked why do we have Ken designing gates? John Haven answered it was Ken's idea. Gary Risch asked do we have to pay him for that? John Haven answered no. Gary Risch stated the guys downstairs already had a way they wanted to do the gates. John Haven stated there are three gates. They will probably ask for an inspection day and we will have to get with them.

John Haven stated we had an issue this week with one of the stream banks caving in. David Ivanek, Bankson Engineers, stated over this past weekend there was a scenario on the trail; the approximate location is the Bear Creek portion of the trail adjacent to Little Buffalo Creek. There was a landslide; it was pretty severe. That portion of the trail was just paved last week and was scheduled to reopen. Right now it is not safe for the traveling public to be on this portion of the trail so we did close it again. John Haven and I met out there yesterday to access the situation that happened over the weekend. It opened up a fissure right at the edge of the trail. Some of the material has made it down to the stream bank. There is a lot of material here, approx. 100 ft. long slide area. It hasn't all come down yet. It is ultimately going to make its way down. That ultimately needs to be taken care of. Ian Herrel from the Conservation District was out to look at it. We are trying to get an emergency permit from DEP. We also had Bob Holbein out there. Since JC Lee the current contractor for the trail is under obligation; he would not be able to work on this situation for approx. two weeks. This is not stable at all; that is why we asked Bob Holbein to come out and look at it. He does have the proper equipment. I haven't as of yet been able to communicate with DEP. We have forwarded our concern to DEP. We need to get a contractor to remove the portion of the material that is literally hanging on the side of the cliff before it comes down and obstructs the stream. Once that material is removed we would do a similar detail remediation as part of the current trail project. This being so large we would have to put in an engineered structural backfill and line it with R7 rip rap. Gary Risch asked is there a drain there? David Ivanek answered no; this is one area where the stream is extremely close to the trail. This is an emergency situation; I feel we should be doing an assessment of the whole trail/stream areas. We need to be proactive and put it on a schedule and secure grant money. In that way you would not be faced with an emergency situation like what happened here. There are a lot of areas where the stream does meander close to the trail. We have had an unusually wet summer; it is eventually going to give way. There are going to be other situations along the stream. An assessment needs to be done and it needs to be put on a long term maintenance plan seeking grant money instead of spending the township's money on emergency situations. As soon as we get the okay from DEP, we will proceed. Ron Zampogna stated have you heard back from Bob Holbein? John Haven answered I am waiting to hear from Bob Holbein. David Ivanek stated we need approval from DEP first. I just started looking at all of this yesterday. What I am doing is getting a scope of work together. Bob Holbein feels that he can do it mostly from the trail. He does have the equipment. Ian Harrell from the Conservation

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District commented. Jim Jackson, Parker Road, asked instead of having to buy the rip rap Penn Dot has concrete slabs in Harmarville that they pulled out of the highway, why can't you use those? John Haven answered we can't use concrete because of DEP regulations. Albert Roenigk stated Penn Dot will grind that up. A person in attendance asked where is this located? John Haven answered between Bear Creek and Monroe Road Trail Head.

John Haven stated I have an estimate from Bob Holbein for storm damage between Jones Road and Herman Road in the amount of \$3413. Chris Ziegler, President Butler-Freeport Trail Council sent a picture. We need an easy way to do this. Gary Risch stated if we had a skid loader we could go do it ourselves. We could have used a skid loader when they were working on Kepple Road. Ron Zampogna commented about the budget. Bob Fletchers stated as far as the trail goes I love the trail. I work for the township I personally think you shouldn't keep raising it. It just washes down because it has nowhere to go. Chris said the people that mowed the trail can no longer mow it. I think you should grade it down and widen it out so you don't have erosion. That is my personal opinion. Gary Risch asked that could be done with the grader, right? Bob Fletcher answered exactly. Gary Risch stated I agree with you; I went up. There is no way you can mow it. I agree with you. Bob Fletcher stated I mowed the other day down here between Bear Creek and Sarver with our mower that we just got fixed. It almost went down into the creek because it is so narrow. You need to widen the trail instead of raising it and raising it. John Haven asked where is it narrow? Gary Risch answered everywhere. Bob Fletcher explained. When I mowed my front wheel went down in because I was told to take the boom mower which I know wasn't the best mower to take. When that front wheel went down, I had to climb out the back window. It needs to be graded down. You have problems when people come through there; someone just broke their elbow because they are so high. Albert Roenigk stated the reason there was that much put on is because that is a Penn Dot requirement. John Haven stated it is six inches deep. Bob Fletcher stated it was six inches deep before Holbein did the work. John Haven when it is paved the paver put down six inches and it is rolled and compacted to four. That is Penn Dot's requirement. Gary Risch stated then we shouldn't have done it. Bob Fletcher and Gary Risch both stated it is dangerous now. Bob Fletcher stated it should be widened out like Gary said. It is basically just a walking trail. If people can't walk on a trail that is 16 feet wide then they shouldn't walk it at all. We are wasting a lot of money on this trail. That is my opinion. Albert Roenigk stated there are places that if you widen it out, you are filling in ditches. John Haven stated we are using the old rail bed. Bob Fletcher stated I understand what we are doing but like Gary said just take a drag over it and it will stay the same and you will have a base. You don't have to keep raising it. When paved roads get so high, you mill it out. That is what you have to do with the trail, mill it out. John Haven stated over a period of time limestone does wash off. Bob Fletcher stated exactly it does wash off; we are going to pay Holbein \$3,000 to come. John Haven stated ten or twelve years. Bob Fletcher stated no; that guy just paved the trail. Albert Roenigk stated okay Bob calm down. Bob Fletcher stated he just paved the trail and we are down there fixing it again. It doesn't make any sense. John Haven stated those are the requirements for the Penn Dot Grant that we received. Bob Fletcher stated you can say what you want; we are wasting money on the trail. John Haven stated that was a Penn Dot Grant and they are the ones that make the call. Those are their

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specifications. David Ivanek agreed. Bob Fletcher stated then someone should have to pay for that guy having to go back and fix the emergency call that just happened. The guy just came through here last week; he just paved it last week. It just collapsed. Albert Roenigk stated that was from the bottom where it slid down. Bob Fletcher stated whatever. Albert Roenigk stated you are smarter than that you know. Bob Fletcher stated we haven't had that much rain for that to go away like that. John Haven stated I need a motion to take care of this.

On motion of Matt Sweeny, seconded by Ron Zampogna, to approve paying Bob Holbein \$3413 to repair storm damage between Jones Road and Herman Road. A roll call vote was taken. Motion Carried on a roll call vote.

Roll Call Vote

John Haven	Yes	Ron Zampogna	Yes	
Matt Sweny	Yes	Albert Roenigk	Yes	Gary Risch No

BUFFALO TOWNSHIP WILL BE ASSISTED BY RTA AND SPC WITH MOVING FORWARD WITH THE BUTLER JUNCTION TRAIL HEAD PROJECT

Carley Dobbins-Bucklad, RTA stated this will be a collaboration with Allegheny Twp.-Tredway, Allegheny County-Rachel Carson Trail, Freeport-Downtown Park and Buffalo Twp-Butler-Freeport Trail. The 4 Corners Trail Head will join 7 trails and 2 water courses in Butler Junction on a tract of land owned by Norfolk & Southern Railroad. This would be a benefit for Buffalo Township. Our proposal is to apply for a Grant for minimum improvements. This would be unique. John Haven with this collaboration between different counties and different municipalities there are more Grant opportunities. Dr. Robert Gregory asked about the zoning? John Haven answered that has been rezoned Conservation Business. The Board can see the value in that area. Bob Fletcher asked Freeport owns the sewage plant correct? Atty. Lutz answered they have a lease with us. Bob Fletcher asked why isn't Freeport applying for the Grant; it is going to be in Freeport basically? Atty. Lutz answered Butler Junction is in Buffalo Township; you take care of the roads. We own the trail so we have to be involved. Freeport will be involved in this as well. Bob Fletcher stated we will get the Grant and Freeport will benefit from it. Atty. Lutz stated this is for multiple communities—Freeport, Allegheny Township, Allegheny County, and Buffalo Township. Albert Roenigk stated Freeport is the Armstrong County part. Bob Fletcher stated we had that agreement with them for mowing the trail and that went by the wayside because they got their own mower. Matt Sweeny stated it is our property; we have to take care of it.

EVANGEL HEIGHTS CHRISTIAN ACADEMY will hold a 5K race on Saturday, September 16. Activities, registration and race will be from 7 a.m. to 12 p.m. After the race they will have food and activities.

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Terry Tague will inform the Police Department of the activity and make sure Evangel Heights will arrange for EMT's for the event. Terry Tague stated they have done this the last four or five years. They always improve the property when they are done. Richard Craft from Evangel Heights Church stated this is the fourth year for this.

BUTLER-FREEPORT COMMUNITY TRAIL RESURFACING PROJECT – PAYMENT REQUEST NUMBER 3 – APPROVED

David Ivanek stated this is Payment Request Number 3 for the Butler-Freeport Trail Resurfacing Project. This was submitted by J.C. Lee Construction and Supply from Petrolia and includes work completed on the Trail through August 4, 2017. The payment amount is \$158,893.72. This is the third payment request. They are $\frac{3}{4}$ of the way done with the project. I would like this to be approved tonight so that we can submit this to Penn Dot. This is all paid by the Grant. Janice Zubrin stated Ken said I had to submit the other two. David Ivanek stated I will need this request on your letterhead; I will actually submit it to Penn Dot.

On motion of Albert Roenigk, seconded by Matt Sweeny, to approve Payment Request #3 for the Butler-Freeport Trail Resurfacing Project in the amount of \$158,893.72. Motion Carried. Un. Approval.

OTHER BUSINESS

Gary Risch asked Jim Bonner if he was happy with his thing the other day? Jim Bonner answered yes we were. We were very pleased; we had approx. 800 people. Everything was fine.

NEW BUSINESS

BUTLER COUNTY CONSERVATION DISTRICT PRESENTATION

Ian Herrel the Manager of the Butler County Conservation District stated we just came to introduce ourselves. A lot of people don't know what the Conservation District does or what we offer. A lot of items that you discussed tonight; we are involved with. We review plans and NPDES Permits. We look at sites and deal with complaints. We have a board of nine. We are trying to get some pamphlets together that explain our program.

Ryan Harr stated I came and spoke in February. We applied for and received the Grant to stencil stormwater drains in the township. We will be in touch with the Road Department. This is at no cost to the township. The Oaks Housing Plan is in the MS4. The Grant could be used anywhere in the township. We could also do ag things. Gary Risch commented on stormwater management for this property. David Ivanek stated everything is in the works as part of the MS4. We were talking with partnering with the Conservation District. He commented on things that have been done. It is all in the works. There is a lot of work to be done in the next year. We want to be proactive. Rain Gardens were discussed.

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APPROVAL TO REQUEST TRAFFIC STUDY TO BE CONDUCTED AT THE INTERSECTION OF RALSTON ROAD AND STATE ROUTE 356

John Haven read a letter from Dr. Robert Gregory requesting a Traffic Study at the intersection of Ralston Road and State Route 356. Dr. Robert Gregory stated the line of sight is dangerous and commented on the speed limit. John Haven stated we can submit a letter for a Traffic Study.

On motion of Albert Roenigk, seconded by Ron Zampogna, to request a Traffic Study to be conducted at the intersection of Ralston Road and State Route 356. Motion Carried. Un. Approval.

BUFFALO TOWNSHIP WAS AWARDED CONSERVATORSHIP OF BUFFALO EMS FACILITY AND CONTENTS ON EKASTOWN ROAD

Atty. Larry Lutz stated there was a Hearing last week attended by Atty. Rebecca Black and John Haven and presented testimony to Judge Horan. This is for the EMS Building on Ekastown Road that has been abandoned. The problem is since a non-profit organization held the title to the property so there aren't any tax liens. The township made the move to become the Conservator of the property. That means that we are in charge of it now. We have to develop a plan for liquidating the profits since there are some liens on the property from the bank. This plan will need to be approved by the Court. We will have another Hearing on November 8. We will need to come up with a plan and hopefully get a buyer for that.

POWER SOURCE STATUS FOR THE GENERATOR – DISCUSSION

John Haven stated last Friday the power went out at the township building. The generator is supposed to kick on; it didn't kick on for the third time. I called Mark Cravener; he was mad because it happened again. He investigated and found out the battery is dead. The first two times it didn't work the switch was turned off. The battery is dead; we need to replace the battery. Mark said we need to have some kind of program to keep tabs on the life of the battery. Gary Risch asked isn't there a Maintenance Agreement on that? John Haven answered they come once a year. Gary Risch asked shouldn't they check the battery? Albert Roenigk asked isn't it supposed to kick on once a week? John Haven answered yes. It must not have been kicking on because the battery is dead. Gary Risch asked nobody noticed it wasn't kicking on? John Haven answered right. Gary Risch asked when it kicks on don't the emergency lights come on? John Haven answered no; we don't get any indication. I asked Mark if we could get some kind of indicator for Janice's or Rhonda's office. He said you are talking \$700. Janice Zubrin asked didn't the Road Department check on it periodically? Vicki Hoffman commented on the battery. Joe Hoffman commented. Bob Fletcher stated we kept an eye on it. It goes off every Wednesday at 1 p.m. We aren't at the building at that time. Ron Zampogna stated my suggestion would be to set the timing at 2:45 on Wednesday. Bob Fletcher commented on a sticker that you could put on a battery that will tell you when the battery was purchased. We had issues with the battery. The Road Department does the best we can. The Board stated nobody is blaming the Road Department. Since you put that in, it hasn't ever come on when the power goes out. John Haven stated the three

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instances where it didn't come on someone when into that room and turned the switch off. Bob Fletcher stated I don't believe it. John Haven stated I am telling you what Mark Cravener said. When he went in there, the switch was off. After the first time, he put a block on so it couldn't be turned off. They took the block off and turned it off. Ray Smetana, Planning Commission Chairman, commented on the time. Matt Sweeny stated we are going to see if we can change the time. Rhonda Swartz stated when the power goes out, there aren't any lights in the bathroom.

APPROVAL TO HIRE PART TIME POLICE OFFICERS

Lt. Derringer stated we had a part time officer resign last week. He got a full time job at another police department. We have another part time officer who is going to be off for an extended period of time. I interviewed two individuals. One is right out of the police academy; the other one works full time in Freeport and would like to come here. He would have limited availability. It would be my recommendation to the Board to hire both of them. Gary Risch asked if we hire this young kid out of the academy, can we have him sign something that if he doesn't stay for a year he will have to pay for his uniforms? Lt. Derringer answered no. Atty. Larry Lutz stated no that would be a violation of the union contract. Gary Risch stated you hate to train them and then. Albert Roenigk asked who left? Lt. Derringer answered the newest one, Nick Rutkowski. He got a full time job.

On motion of Gary Risch, seconded by Matt Sweeny, to hire Eric Belton and Joshua Drake as part time police officers. Motion Carried. Un. Approval.

APPROVAL TO PURCHASE 2018 POLICE FORD EXPLORER

Lt. Derringer stated this would be to replace the Crown Vic which has 150,000 miles. It is still running but if we would have that and another vehicle go down; we would be in trouble. After this, we should be sufficient for a while. Then we could go on a Maintenance Program and replace the vehicles on a regular basis. John Haven stated when you add the additional equipment, the cost of the vehicle will be \$33,520.

On motion of Gary Risch, seconded by Matt Sweeny, to approve purchasing the 2018 Police Ford Explorer. Motion Carried. Un. Approval.

PURSUIT POLICY – APPROVED

Atty. Larry Lutz stated Lt. Tim Derringer have been working on a Pursuit Policy. It is important that we get this into place. Tim got some models from other places and we pieced some together. We can get this policy into place and tweak it as needed as time goes on. I think it is important that we do this tonight.

On motion of Gary Risch, seconded by Ron Zampogna, to approve the Pursuit Policy as prepared by the Township Solicitor and approved by Lt. Tim Derringer. Motion Carried. Un. Approval.

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LAND DEVELOPMENT

MOUNTAIN GATHERING, LLC – PAJER COMPRESSOR STATION – EKASTOWN ROAD – SITE PLAN – APPROVED WITH CONTINGENCY

Mountain Gathering, LLC is applying for a Site Plan to add two small compressor engines on an existing meter pad. The total acreage of the tract is 50.598 acres. It is approximately a 100' by 100' pad. The Conditional Use was approved last year.

The township office has received the Filing Fee, Site Plan, Twp. Engineer's comments (received 6/29/17 and 8/9/17), Municipal Authority comments (MABT does not have water facilities within this area; however, sewer lines do exist within the vicinity of this project. The sewer facilities (main lines with manholes) run southeast from the intersection of Hranica Drive and Ekastown Road. The main lines follow Bull Creek south and remain on the east side of the creek. Our facilities do not appear to be impacted by this project), and Twp. Planning Commission comments (favorable recommendation contingent on complying with Twp. Engineer's review letter dated 7/5/17 as per 8/2/17 meeting minutes).

David Ivanek stated we received more information late in the day today. This project received prior conditional use approval. They did receive approval from the Planning Commission. They have done some site modifications; we received a new set of plans where they address some of our prior concerns and prior letters. They have also modified their site so we do have a few items regarding the new site layout. The first deals with fire protection. They will need to confirm that the necessary fire safety equipment will be supplied and maintained on site. The next item deals with odors. In any district, no malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property. Please confirm that this ordinance standard will be met. An approved Lighting Plan is required prior to granting final site plan approval. The following notes and statements need to be added the Stormwater Management Plan to comply with the ordinance. A statement, signed by the landowner, acknowledging that the stormwater BMP's are fixtures that cannot be altered or removed without prior approval by the township. A statement referencing the O & M Agreement and stating that the O & M Agreement is part of the SWM Site Plan. A note indicating that record drawings will be provided for all stormwater management facilities prior to occupancy, or the release of the surety bond. The following signature block for the registred professional preparing the Stormwater Management Plan: "I _____, hereby certify that the Stormwater Management Plan meets all design standards and criteria of the Buffalo Township Stormwater Management Ordinance." The following signature block for the Township Engineer reviewing the Stormwater Management Plan: "I _____, have reviewed this Stormwater Management Plan in accordance with the design standards and criteria of the Buffalo Township Stormwater Ordinance." The applicant must enter into the Operation and Maintenance Agreement, attached hereto, prior to being granted final site plan approval. A sign permit will be required for all proposed signs. A grading permit will be required. A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit. Any approval should be

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conditioned upon all approvals and permits that are required from the Pennsylvania Department of Environmental Protection including but not limited to: NPDES Permit for stormwater discharges associated with construction activities. Erosion and Sedimentation Control General Permit (ESCGP-2). It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan.

Atty. Sean Gallagher stated I am here representing Mountain Gathering. We made a presentation last year. We hope to come back one day and build the full site. At this time we would like to build a smaller building. We need to get this up and running by the end of the year. We are requesting conditional approval tonight. The first comment is about fire protection. We have already addressed that issue. The next issue is about odors will be confirmed. There will be no lighting except for security purposes. We will add the stormwater comments. David Ivanek stated they will need to provide us with written documentation. We could recommend approval contingent on them meeting all of the requirements. Atty. Larry Lutz stated you could make your approval contingent on compliance with all of the requirements in the August 9, 2017, Township Engineer's review letter.

On motion of Ron Zampogna, seconded by Albert Roenigk, to approve the Mountain Gathering, LLC, Pajer Compressor Station Site Plan on Ekastown Road contingent on compliance with all of the requirements in the August 9, 2017, Township Engineer's review letter. Motion Carried. Un. Approval.

JKESS L.P. – SUBDIVISION – SOUTH PIKE ROAD – APPROVED WITH CONTINGENCY

JKESS, L.P. is proposing a Subdivision of their property located on South Pike Road. This is the northwest corner of South Pike Square and Mulone Drive. The purpose of this Plan is to subdivide Parcel B of South Pike Square to create an area that meets the land requirements of a future tenant. There is public water and sewage at this location. Zoning is in the "B-1" Business District and the "A-2" Access Management Overlay. Proposed Lot B-1 will be a total of 0.9019+- acre; proposed Lot B-2 will be a total of 0.9692+- acre. The future development of Lot B-2 shall include a continuous service drive or cross-access corridor right-of-way in conformance with Section 605 of the Buffalo Township Zoning Ordinance.

The township office has received Subdivision Plan, Filing Fee, Butler County Planning Commission Comments (BCPC did not have any comments on this Plan as per letter received on 8/4/17), Municipal Authority Comments (Public water and sewage does exist in the vicinity of this project as per letter received 7/27/17), Township Engineer comments (letter received 8/1/17), and Twp. Planning Comments (favorable recommendation as per 8/2/17 meeting minutes).

David Ivanek stated this is a simple subdivision plan. Originally it was two parcels made into one. Now it is going back to two parcels. The reason for the subdivision is for a Burger King. We only had two comments on this at the Planning Commission Meeting. The lots are located in the "B-1" zoning and the "A-2" Access Management Overlay Zoning District. We wanted to make sure that they had the "A-2" Access Management Requirements denoted on the plan. That comment has been addressed on the updated plan. The other comment would be we ask for a closure and area report to make sure that each subdivision plan is mathematically correct. Upon reviewing that I have one minor

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additional comment. The area report for Lot B-2 and on the plan description are different and needs to be corrected.

On motion of Gary Risch, seconded by Albert Roenigk, to approve the JKESS, L.P. Subdivision on South Pike Road contingent on making the correction. Motion Carried. Un. Approval.

PEC MANAGEMENT II – BURGER KING RESTAURANT & DRIVE THRU – SOUTH PIKE SQUARE – SITE PLAN APPROVED WITH CONTINGENCY

PEC Management II is proposing construction of a Fast Food Restaurant & Drive Thru to be located on property owned by JKESS, L.P. The proposed Burger King Restaurant & Drive Thru will be located on .90+- acre of future Parcel B-1 at South Pike Square on South Pike Road. The approved Planning Module, Public Water/Sanitary Sewer Service availability letters and Highway Occupancy Permit were submitted and approved as part of the original South Pike Square Development.

The township office has received Site Plan Drawing, Site Plan Filing Fee, Municipal Authority Comments (Public water and sewer does exist in the vicinity of this project. MABT has the capacity to furnish both services as per letter received 7/27/17), Twp. Engineer's comments (letters received 8/1/17 and 8/9/17), and Planning Commission Comments (Favorable recommendation contingent upon complying with Twp. Engineer's Review Letter dated 8/1/17 as per 8/2/17 meeting).

David Ivanek stated we reviewed the plan last week and had minor comments that we felt could be addressed here. I can go over our letter from earlier today. David Brooks has responded to this letter. He is meeting most of these comments. I didn't have a chance to thoroughly review the plan after the letter was written. My main concern is that it is a small site. It is a right turn in only. The main access is at the light at Mulone Drive. They have another perpendicular street that is behind the site, parallel to Rt. 356 that actually allows them to comply with the cross-access corridor ordinance. There is a one-way circulation pattern through the site; we had a concern about the loading zone in our original letter to the Planning Commission. They said that the loading is going to take place during off peak hours. The truck will only be in there a short period of time. I still have a concern with the portion of the loading zone not allowing sufficient interior circulation on the site being one-way access. That was our main concern. I have conveyed that to David Brooks; he was going to talk to Burger King and ask how they dealt with that at their other sites. The next is the lighting and photometric plan. We had several issues with the photometric plan. The main one being the height of the light and the lumens of the light, they had to redo the photometric plan. There are five standard notes that must appear on the plan. They will need an Operation and Maintenance Agreement for their stormwater management plan which is standard for all land development in the township. Under general comments, we have one issue. They are providing sidewalks along the frontage of the property. On the site plan there is an existing telephone pole. The sidewalk is behind it. That telephone pole has four guide wires; the guide wires are anchored into the ground with the sidewalk in between. We wanted more documentation on as to how that is not going to be a hazard. I have been in contact with David Brooks. I looked at it tonight; they are at such an angle they will not be a hazard. You could not tell that from the Site Plan.

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A final inspection of all improvements will be required before the occupancy permit is issued; this is in compliance with the Comprehensive Plan. These are the comments that I have as of noon today.

David Brooks explained the utility pole, guide wires, and sidewalk. He explained the loading zone and delivery vehicles and options. We have revised our photometric plan to comply with your Lighting Ordinance. The owner of South Pike Square will work with you on the stormwater and the Operations and Maintenance Agreement. Atty. Lutz stated we have had lots of discussions addressing these issues and meetings. We are okay with approval contingent upon satisfaction of all the requirements set forth in the Township Engineer's letter. David Ivanek stated I agree with Atty. Lutz.

On motion of Gary Risch, seconded by Ron Zampogna, to approve the PEC Management II, Burger King Restaurant & Drive Thru at South Pike Square contingent upon the satisfaction of all the requirements set forth the Township Engineer's letter and Atty. Larry Lutz's requirements. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Richard Craft stated I am here representing F & M Champion Training Center. I brought the signed Operations and Maintenance Agreement this evening. We were at the Planning Commission Meeting last week. We would appreciate the Supervisors assistance with approval of this plan. Atty. Larry Lutz stated one thing we need is a formal easement prepared and recorded. If Gregori were to sell that tomorrow, we would need the next owner bound by that requirement so we need a formal easement agreement that is recorded between Gregori and your client. I can assist in providing samples. David Ivanek stated it needs to remain a drainage ditch in perpetuity. Atty. Lutz stated the issue is that you are asking us to approve a stormwater management plan that involves somebody else's property. In order for us to approve that, we need to know that you have an easement right to do that. Richard Craft commented on the ditch. Atty. Lutz stated my understanding is that you need that ditch to make this whole thing work. David Ivanek stated it is essentially a diversion ditch. Richard Craft agreed. If we change our storm water management report, there is no guarantee. David Ivanek stated you can change your report; but as it is right now, your drainage area stops at that ditch. If you want to change your stormwater management report and your calculations, you can do that. As it is you are relying on that ditch. Richard Craft commented on the ditch. Atty. Lutz stated all I am saying is if your plan involves somebody else's land that you are asking us to approve. Richard Craft stated you want Gregori to put the ditch in first and then come back and it won't involve an easement. David Ivanek stated it will involve an easement no matter what. As this letter from Gregori Construction states that you say that the ditch will be extended prior to the construction of the building and the parking. It does need to be staged that way. Richard Craft asked so you are saying that we have to have an easement agreement? Atty. Lutz answered yes. David Ivanek stated we just received a packet in yesterday and have not had an opportunity to review it. Ray Smetana, Chairman of the Planning Commission stated the ditch was the hold up for approval from the Planning Commission. Atty. Lutz stated this has to go back to the Planning Commission because it was tabled.

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Bob Fletcher asked about getting a winterizing kit for the generator. John Haven stated I think we have one; but I will check to make sure.

Peggy Bonfiglio asked about the procedure for having the roads adopted in the Oaks Plan. Atty. Lutz explained that they will have to comply with our requirements. She will send a letter to the township.

Vicki Hoffman, Bear Creek Road, commented on the testing being done on Bear Creek Road and the impact on wells. She asked who is doing the testing? Rhonda Swartz answered Precision GEOPhysical. Albert Roenigk stated they did that on Ekastown Road. Bob Fletcher commented. Matt Sweeny stated they are liable; they have been doing this for years.

John Karabinos, Butler Junction, stated I sent an email to the Board. There have issues that have been going on in Butler Junction with grass not being cut and a resident having junk everywhere. Gary Risch asked do you want Roger Kelly the Township Zoning Officer to tell you what is being done? John Karabinos answered I already talked to him. Gary Risch asked well then what more do you want us to do? John Karabinos commented on a tree failing down. Lt. Tim Derringer stated Roger did check and suggested that Atty. Lutz send a letter giving the resident 20 days to remove the junk since it is on the township right-of-way. Bob Fletcher commented. There was much discussion about the situation.

Chris Ziegler, President Butler-Freeport Trail Council commented on things going with the trail. She stated the closed signs are still up. She asked how will I get an update on the work going on for weekend since the township website is down? Rhonda Swartz answered we hope the website is back up or I will contact you.

ADJOURNMENT was on motion of Gary Risch, seconded by Matt Sweeny, at 9:40 p.m. Motion Carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY