

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

March 16, 2011

7:00 p.m.

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:15 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mr. Thomas Smith, and Mrs. Kelly Livermore. Mr. Sean Gramz was absent.

NOTICE OF RECORDING POLICY: Mr. Kerr requested for anyone in the meeting to acknowledge the use of a recording device. No one acknowledged a recording device.

VISITORS:

TREASURER'S REPORT: Copies of the treasurer's report for the month ending February, 2011 was reviewed. Motion to accept the report made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.

ADMINISTRATIVE ACTION (Invoices): Motion made by Mr. Saunders to pay the bills. Second by Mr. Kerr. All in favor. Motion carried.

MINUTES: Motion to accept the February 16, 2011 minutes made by Mr. Saunders. Second motion made by Mr. Kerr. All in favor. Motion carried.

DIESEL

NAME	WHOLESALE MARKUP	GAURANTEED PRICE
GLASSMERE FUEL SERVICE PO BOX 187 CURTISVILLE, PA 15032-0187	.1495	4.99
REED OIL 511 MONTGOMERY AVENUE NEW CASTLE, PA 16102-1111	.08	None

Mr. Saunders made a motion to award the bid to Reed Oil pending the receipt of all required documentation. Second by Mr. Kerr. All in favor. Motion carried.

SINGLE SEAL

NAME	UNIT PRICE	TOTAL
GLENN O HAWBAKER 106 HAWBAKER INDUSTRIAL BLVD GROVE CITY, PA 16127	1.155 Sq. Yd.	\$54,432.60
RUSSELL STANDARD CORP PO BOX 802 MARS PA 16046	1.218 Sq. Yd.	\$57,3992.16
SUIT KOTE CORPORATION 10965 MCHENRY STREET MEADVILLE, PA 16335	1.143 Sq. Yd	\$53,858.16
WIEST ASPHALT PRODUCTS AND PAVING INC. 310 MITCHELL HILL ROAD BUTLER PA 16002	1.25 Sq. Yd.	\$58,900.00

Mr. Saunders made a motion to table bids until the next meeting on April 20, 2011. Second by Mr. Kerr. All in favor. Motion carried. After discussion, Motion was made to award the Single Seal Bid to Suit Kote Corporation pending the receipt of required documentation. Second by Mr. Saunders. All in favor. Motion carried.

BITUMINOUS (Kelly Road)

NAME	SUPERPAVE	TOTAL
GLENN O HAWBAKER 106 HAWBAKER INDUSTRIAL BLVD GROVE CITY, PA 16127	77.92/Ton	\$26,336.96
IA CONSTRUCTION CORP. 158 LINDSAY ROAD ZELIENOPLE, PA 16063	65.90/Ton	\$22,274.20
SHIELDS ASPHALT PAVING PO BOX 672 VALENCIA, PA 16059	59.23/Ton	\$20,019.74
WIEST ASPHALT PRODUCTS AND PAVING INC. 310 MITCHELL HILL RD BUTLER, PA 16002	67.35/Ton	\$22,764.30
YOUNGBLOOD PAVING, INC. 2516 ROUTE 18 WAMPUM, PA 16157	61.90/Ton	\$20,922.20

Mr. Saunders made a motion to award the Bituminous bid to Shields Paving pending the receipt of all required documentation. Second by Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. REX Energy: Water Withdrawal from Muddy Creek located northeast of Route 19 and Route 422 intersection. Trucking water but not confirmed. Rex was informed that they would need to comply with the overweight vehicle ordinance and the driveway ordinance. They are going to go through a farmer's field to haul.
- B. PSATS: By law changes: Due increases will be indexed annually to the US Department of Labor Consumer Price Index. If there is a need to increase during the calendar year, the proposed change shall be mailed to members 45 days prior to the conference.
- C. DEP: Received the letter regarding the Rex Energy letter we sent in regards to the road crossing. It is the applicant's responsibility to comply with local ordinances.
- D. Pa UC Claim: Mr. Watson has applied to have his u/c wages figured using full time wages.
- E. Pipeline Safety Bulletin: safety guidelines (call 811 before you dig)
- F. IRS: Overpaid \$10,068.18 from Form 941 for March 31, 2007 and applied to Form 941 for September and June 2007. We received a check for \$6.48. Vivian is still waiting to hear whether the penalties were abated. We are to hear by March 31, 2011.

PUBLIC COMMENT:

None.

COMMITTEE UPDATES:

A. Planning:

Trettel Subdivision: Ms. Trettel presented her final plan for approval. A motion was made by Mr. Kerr to approve the Trettel Subdivision with the condition that the plan needs to be signed by the Butler County Planning Commission and the Muddy Creek Township Planning Commission. Second by Mr. Saunders. All in favor. Motion carried. Mr. Saunders made a motion to approve for the plan to be signed outside of the meeting. Second by Mr. Kerr. All in favor. Motion carried.

Jesteadt Subdivision: Mr. Jesteadt presented his final plan for approval. The Planning Commission approved the plan at the March 24, 2011 meeting with the following contingencies that needed addressed: septic permit numbers to be listed on the map for both parcels and location of the alternate septic on plot B. Mr. Saunders made a motion to approve the plan with the condition that he submits a formal request to withdraw the subdivided lot Agricultural Security Area, the plan needs to be signed by the Butler County Planning Commission and the Muddy Creek Township Planning Commission with the approval of the plan to be signed outside of the meeting. Second by Mr. Kerr. All in favor. Motion carried.

B. Butler County Association of Township Officials: Work on the upcoming convention to be held on May 19th.

C. Butler County Council of Governments: COG has partnered with other COGs to negotiate a COG care agreement with UPMC. As it stands now for the 2011 calendar year, the insurance rate for UPMC would be 4% lower than that would be quoted individually. Each municipality would be underwritten individually. More information is needed. The crack sealing machine is being scheduled. Pricing for material is being investigated. There were 4.5 pallets of material left from the last season which Muddy Creek picked up.

ROAD DEPARTMENT REPORT:

Mr. Kerr reported that the township has received several calls about the traffic lights at the Pilot/Rte 422 intersection. The lights are changing to a blinker mode. Bronder has been contacted about the issue. Mr. Kerr and Mr. Robinson from Bronder made a site visit to Pilot. He noted that the trucks that are entering the Pilot Truck Stop are jumping the curb and appear to be crushing the box that connects the sensor loop. Mrs. Livermore will contact Bronder to identify what needs to be repaired at the Pilot Driveway and contact Pilot to recommend that the sensor be replaced with video camera to alleviate future destruction of the sensor loop.

Mr. Kerr also reported that someone stole the road closed sign, post and sand bags on Book Road.

OLD BUSINESS:

- A. Darlene Oliver Building Permit: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- B. EIT Tax Audit: Mrs. Livermore reported that the only checks that are not cashed are to Central Tax Bureau. The Balance of the Account stands at \$35,249.45. Motion to remove from the agenda made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- C. National Flood Insurance Ordinance: Mr. Smith is working on the ordinance. The draft went to DCED and was reviewed with comments back to the township. Mr. Saunders made a motion change the Flood Plain Administrator from Tom Thompson, Township Engineer to Mrs. Livermore. Second made by Mr. Kerr. All in favor. Motion carried.
- D. Butler County Storm Water Management: Mr. Smith and Mr. Thompson are working on the ordinance. The ordinance should be enacted by June 1, 2011. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- E. DOC Workforce Application: The road department will purchase the equipment for the project. The insulation will cost \$1,000. Motion by Mr. Saunders to purchase the supplies for the insulation. Second by Mr. Kerr. All in favor. Motion carried.
- F. Backhoe purchase: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Traffic Lights: Bronder is checking on the price. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- H. College Student Community Service: The student who was going to work in the office for community service did not get the instructor's approval for the location. Motion to remove made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

NEW BUSINESS:

- A. Road Bond Agreement: Allegheny Wood Products requested an over posted weight vehicle permit for .5 mile of West Park Road from 3/1-6/30/2011. A motion was made by Mr. Kerr to approve the permit pending the required road inspection. Second by Mr. Saunders. All in favor. Motion carried.
- B. Declaration of CMV only emergency on 2.21.11.
- C. Department of the Auditor General (Municipal Pensions and Fire Relief Programs Unit) approved for 2011. Mr. Kerr signed.
- D. Road Engineering Study: Mr. Saunders made a motion to add Hufnagel, Sawyer, and Ragan roads to have the engineer perform a study. Second by Mr. Kerr. All in favor. Motion carried.
- E. 200 Hufnagel Road: A certified letter was sent asking the property owner to prepare a contingency plan for approval for ditching the property to be presented to the Board by March 16, 2011. Mr. Kerr recommended that a letter be sent identifying the action required as discussed with the Road Foreman. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. Equipment Rental Bid: The Board made the decision to award the single seal bid thus no equipment rental is necessary.
- G. Fee Schedule: Mr. Saunders made a motion to enact a road inspection/taping fee of \$90.00 per hour and a \$50.00 flood plain determination fee made payable to the

general fund for building permits that the flood plain administrator determines are or appear to be in the flood plain. The applicant would pay the cost of the engineer if they choose to have it reviewed by the engineer. If they elect to not pursue the permit, the \$50.00 would be refunded. Motion seconded by Mr. Kerr. All in favor. Motion carried.

- H. Resolution for Escrow Accounts: First National Bank will change the current escrow accounts for septic to escrow accounts that will not be subject to dormant fees. Mr. Saunders made a motion to approve the Escrow Account Agreement with First National Bank with the same signatory requirements as the current checking accounts. Second by Mr. Kerr. All in favor. Motion carried.
- I. Annual 2010 DCED Report: Mrs. Caruso was at the office to complete the 2010 DCED financial Report. It was posted in the Butler Eagle.
- J. EIT Nonresident: Mr. Smith will investigate the requirements to adjust the current rate. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- K. Video camera: Motion to approve the purchase of a video camera not to exceed \$500 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- L. Census: The population in Muddy Creek Township showed a decrease by 13 from the 2000 census to the 2010 census.
- M. Election: There are not reported names for the supervisor position on the upcoming election ballot.
- N. Seasonal Position: Motion made by Mr. Saunders to terminate the winter seasonal position effective March 31, 2011 and advertise for the summer position. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: None

SECRETARY'S COMMENTS: None

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 9:40 PM, second Mr. Kerr. All in favor. Motion carried.

MUDDY CREEK TOWNSHIP SUPERVISORS

Dale Kerr, Chairman

Rick Saunders

Sean Gramz

Kelly A. Livermore, Secretary/Treasurer

(Seal)