

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**April 16, 2014**

**7:00 PM**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order at 7:00 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mr. Bob Jesteadt, Mr. Thomas Smith and Mrs. Kelly Livermore.

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

**VISITORS:** Janelle Stall, Larry Coble, Tom Marak, Steve Harris, John Rufer

**TREASURER'S REPORT:** A motion was made by Mr. Saunders to accept the treasurer's report for the month of March, 2014. Second by Mr. Jesteadt. All in favor. Motion carried.

**ADMINISTRATIVE ACTION (Invoices):** Motion made by Mr. Saunders to pay the bills General Fund checks (11057-11092); Payroll (3/27/14 and 4/10/14), electric (4/14/2014) and Highway Aid (772). Second by Mr. Jesteadt. All in favor. Motion carried.

**MINUTES:** Motion made by Mr. Saunders with a second by Mr. Jesteadt to adopt the March 19, 2014 minutes. All in favor. Motion carried.

**CORRESPONDENCE:**

**Caruso and Caruso:** A copy of the 2013 Audit Report. The 2013 Accounting Books have been closed.

**DEP:** Notification of proposed well site: XTO: Marcellus: Franklin Township (Election House Road)

**PA Labor and Industry:** Improper Unemployment Compensation payments

**Butler County Emergency Services:** Invitation to a meet and greet information seminar on April 23, 2014 at BC3

**SR Law:** Daniel and Brenda Moore Property/Right of Way

**Berkheimer:** Monthly report for EIT and LST

**Prospect Library:** Monthly Statistics

**Butler County Assessment:** Exoneration (Lot 157 Lake Arthur Estates (trailer fire)).

**US Bankruptcy court:** Notice of continued hearing

**Shell Exploration and Production:** Notice of requesting a one year renewal of Drake well (Worth Twp).

**PUBLIC COMMENT:**

Tom Marak: Elected to constable for Muddy Creek Township, introduced himself.

**PRESENTATION:**

ezIQC: Janelle Stall gave presentation about ezIQC. Mr. Saunders asked if she could supply references from jobs completed by other local governments.

Rex Energy: Steve Harris and John Ruffer presented the Flinner/Yellow Creek Road Improvement plans. The plans include Right of Way/Easement Agreement between the township and property owners.

A motion was made by Mr. Saunders to approve the Right of Way/Easement Agreement between Muddy Creek Township and Douglas R. Martin and Deborah L. Martin pending plan review and approval from the engineer and road master. Mr. Kerr has the authority to sign the agreement outside of the meeting. Second by Mr. Jesteadt. All in favor. Motion carried.

### **COMMITTEE UPDATES:**

#### Planning Commission:

No plans for review at this time.

BCATO: The spring convention is scheduled for May 15, 2014 for anyone who wants to attend. Mary Jo Meisel requested to attend the convention at a cost of \$22.00. A motion to approval Ms. Meisel's attendance for a cost of \$22.00 was made by Mr. Saunders and seconded by Mr. Jesteadt. All in favor. Motion carried.

COG: No report

ACT 32 COMMITTEE: No report.

### **ROAD DEPARTMENT REPORT:**

- A. Wallace Road (Gearhart) Driveway. Drainage work not complete.
- B. Freightliner: Chipped windshield from vehicle on I-79.
- C. Water from Property onto Roads: The property owners are working with the Road Foreman. The Yellow Creek issue is from a spring and is something that the township needs to address. Mr. Parsons did not respond, his pipe is smashed and we have contacted him on several occasions in the past two years. When the road department is out ditching this fall, the culvert pipe will be removed and open up the ditch.
- D. Dirt and Gravel Road Maintenance Program: The Road Department workers are registered for the June session.
- E. Diesel Storage Tank: A motion was made by Mr. Saunders and seconded by Mr. Jesteadt to approve the construction of the tank area.
- F. Sechan Road: The road department is instructed to continue filling in the holes
- G. Pesticide License: The township will check with Lancaster Township about potentially contracting with their road department licensed sprayer to spray locations in Muddy Creek Township.

### **PERMITS ISSUED:**

#### Septic Permits:

Ron Flinner: Sewage Planning Module: A motion was made by Mr. Saunders and seconded by Mr. Jesteadt to approve Resolution 2014-08 (resolution for plan revision for new development for Samuel and Thelma Flinner development). All in favor. Motion carried.

Trumbull (PennDot Construction): Holding tank failed March Inspection. Tank needed pumped and alarm repaired.

Majors (West Park Road): SEO halted installation of the small flow system to due no permit.

#### Building Permits:

156 Stanford Road: Change of Use

168 Stanford Road: Change of Use

### Driveway Permits:

Kelner continues to work on SWM. The agreement provided for the easement is not acceptable in its current form. The homeowners association cannot do an agreement.  
Ringle Driveway: Completed, the engineer will inspect.  
Rex Energy: New driveway for Flinner Pad.

### Over Posted Weight Permits:

Cheeseman Road Bond returned to Rex Energy. A master bond was received which includes Cheeseman Road.

MarkWest: Bond on Hufnagel due to expire on May 31, 2014. The work has not been completed.

### Assessment Permits:

Chechak (Wallace Road): Mr. Chechak began construction of a barn without a permit. Due to the size of the barn, he is required to complete a stormwater management plan which he has not submitted. The assessment permit for the barn was denied due to the fact that the incorrect application was used, the application was not notarized. Mr. Chechak has not met with the township on the third driveway which was approved but a pipe was not installed. He uses the driveway for the construction of the barn. Mr. Chechak states that he cannot stop building. BCCD is to be contacted due to the location of the construction to the stream and the designation of HQW.

## **OLD BUSINESS:**

- A. Hufnagel Address Sequence: A second notice has been sent to the property owners on Hufnagel Road to correct the address sequencing.
- B. Portersville EMS: Request for funding for EMT position. A motion was made by Mr. Saunders and seconded by Mr. Jesteadt to approve the release of the budgeted funding for the EMT position. The 50% of the funding in the amount of \$6,750 will be released in May and the 50% in the amount of \$6,750 will be released in October. All in favor. Motion carried.
- C. ADP Quarterly Report; Available at the office if you want to see it.
- D. Stormwater Pipe Connection: Mr. Hiteshew was at the March meeting to review his proposed plan to connect onto the state's drain pipe which runs under Perry Hwy. Mr. Hiteshew was to contact the state to determine if it was on the states right of way. Mr. Hiteshew decided to not connect to the pipe and install the pipe approximately 8 feet from the state pipe. Mr. Hiteshew will be informed that he needs to contact PennDot.

## **NEW BUSINESS:**

- A. Vacancy Board: Mr. Ondo still has not responded.
- B. Diesel Bid Award: The average range of diesel cost since Jan. 2013 ranges from 3.1908/gallon to 3.349/gallon. A motion to award the Diesel to Reed Oil was made by Mr. Saunders and seconded by Mr. Jesteadt. All in favor. Motion carried.
- C. Lease 420 Stanford Road: Gas lease needs to be advertised for Stanford Road properties. A motion was made by Mr. Saunders and seconded by Mr. Kerr for Mr. Smith to advertise for a gas least on the township properties on Stanford Road. All in favor. Motion carried.
- D. Building Drawings: Mr. Thompson will provide copies of floor plans.

- E. CoStars: The township can order more salt from the current contract if the 140% was not reached on the current contract. A motion to approve the purchase of an additional 100 tons was made by Mr. Saunders and seconded by Mr. Jesteadt. All in favor. Motion carried.

**SOLICITORS COMMENTS**: None.

**SECRETARY'S COMMENTS**: None

**ADJOURNMENT**: Motion by Mr. Saunders to adjourn at 8:04 PM. Second by Mr. Jesteadt. All in favor. Motion carried.

## **MUDDY CREEK TOWNSHIP SUPERVISORS**

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Dale Kerr, Chairman

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Eric "Rick" Saunders

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Robert J. Jesteadt, Sr.

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Kelly A. Livermore, Secretary/Treasurer

(Seal)