

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

June 8, 2009

7:00 p.m.

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order by Mr. Kerr at 7:05 p.m. The Pledge of Allegiance was recited.

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

VISITORS: Annette Sudano, Bob and Audrey Badger

TREASURER'S REPORT/FINANCIAL STATEMENT: Motion made by Mr. Saunders to approve pay the bills. Second by Mr. Kerr. All in Favor. Motion Carried. The January, February, March and April General Fund Account Reconciliation was presented for the board to review.

MINUTES: The May 11, 2009 meeting minutes were presented. Motion by Mr. Kerr to approve, second Mr. Saunders. All in favor. Motion carried.

CORRESPONDENCE:

Central Pension Fund: Notice of Annual Report
House of Representative Dick Stevenson: Receipt of Sewage fee reimbursement for 2007
Ohio Watershed Celebration upcoming celebration
University of Pittsburgh Achieving Interoperability through the state radio system
PA One Call Board Meeting Notice
Upper St. Clair Township Local Government Academy Leader Circle
Pa Dept of Revenue: Web Tools to check the status of property tax/rent rebates
ADP Quarterly Tax Verification for the first quarter 2009 – approved by Dale Kerr

PUBLIC COMMENT:

None

PLANNING COMMISSION REPORT:

No report. The next meeting will be held on Thursday, June 11, 2009.

OLD BUSINESS:

- A. **EIT Tax Audit:** Motion to table by Mr. Kerr, second by Mr. Saunders. All in favor. Motion carried.
- B. **Debra Allen Property:** Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.

- C. Shaffer Property: Mr. Doug Duncan, SEO provided information on the holding tanks located on the property. The township does not have a holding tank ordinance. Doug Duncan as the township's SEO does have the legal authority to approve the holding tanks. Mr. Saunders commented that DEP does not allow holding tanks on commercial property unless the township has an ordinance authorizing such. Mr. Smith commented that the holding tanks were never installed legally. Mr. Chuck Smith, SEO, was supposed to do a test. He did do an inspection of the tanks and reported that the holding tanks were OK. Mr. Duncan states that it is up to the township if they wish to grandfather the tanks. The previous property owner, Mr. Dalton, was informed by the township that the sewage system was not grandfathered. This information should have been disclosed to Mr. Shaffer when purchasing the property. Mrs. Livermore will research if Mr. Dalton transferred the sewage application to Mr. Shaffer. Mr. Duncan asked if the township should make them wait for an ordinance if the holding tanks are their only option. Mr. Saunders commented that if nothing else works, we need to pass an ordinance. Mr. Smith will provide a copy of the draft ordinance to Mrs. Livermore to forward to Mr. Duncan. A motion to table was made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- D. Levis Road: Mr. Myers did submit an application for a driveway. Mrs. Livermore requested verification of the fee. The cost of the application will be \$125.00. Mrs. Livermore will contact Mr. Myers for the remittance of the fee. Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- E. Flinner Property: Mr. Saunders motioned to table, second by Mr. Kerr. All in favor. Motion carried.
- F. UCC Appeals Board: Mr. Kerr is waiting for a response from COG. Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- G. Miller Letter: Mrs. Livermore reported that a dye test was performed by the SEO and the system passed. Motion to remove from the agenda made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- H. Tax Collector Checking Account: The Board of Supervisors will approve a resolution to add the Treasurer to the Tax Collector Account by December 31, 2009. Motion to remove from the agenda made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.

NEW BUSINESS:

- A. Nuisance Ordinance: Mr. Saunders expressed a concern that there was no ability to enforce such an ordinance. Mr. Kerr motioned to archive the ordinance for 12 months at which time it will be reintroduced for discussion. Motion seconded by Mr. Saunders. All in favor. Motion carried.
- B. Upcoming Bridge Closure: Mr. Kerr reported that there is upcoming bridge work and closures on West Park Road scheduled for the next two years. He will get a schedule from Penn Dot to report with more detailed information.

SOLICITORS COMMENTS: None

SECRETARY COMMENTS: Mrs. Livermore provided a report from the Butler County Township Officials Spring Conference.

- EIT: The County will be organizing the committee with a meeting to be scheduled prior to November, 2009 at which time a board will be established and the county will no longer be coordinating the project. DCED estimates that 400 million dollars are lost each year from EIT not collected.
- Act 39 : Became effective July 4, 2008: Land Use Procedural Challenges
- Act 40: Challengers must follow procedures- challengers must prove that the township did not follow procedure for proper adoption of ordinances. The challenger will have two years from the time the ordinance was adopted. After two years, the challenger must prove that the municipality intentionally violated the procedures.
- Act 88: Municipalities must accommodate the installation of amateur radio antennas for amateur radio service.
- Act 34: Property owners within 150 feet of a municipal water system can be required to connect by municipal ordinance.
- Act 113: Scrap dealers must get information on the origin of scrap metal for metal valued at \$100 or greater.
- Act 76: The state has developed a standardized Oath of Office because Municipalities were being challenged.
- Optional County Sales Tax is being introduced which would increase the sales tax by one cent. 60% of the monies collected must go to property tax reduction, 10% to multi municipality projects in the county and 40% to municipalities with 60% to be earmarked to decrease property taxes. Townships will need to pass an ordinance to agree with the county to get the municipalities share.
- FHA rejected the proposal to add tolls to Interstate 80.
- Road bonding: Penn Dot is investigating the need to increase the road bonding due to the increase of rates to repair roads.
- SB 319: The Township should inform the local Senators to support the increase in the bidding threshold of \$25,000.

Mrs. Livermore also reported that for personal reasons she was unable to attend the Secretaries training held in State College. She will reimburse the general fund for \$60.00 to cover the cost of the training.

Mrs. Livermore also reported that she is working on upgrading the townships web site. It looks like it is going to cost somewhere around \$2500 to revamp the site and allow for the secretary to access the site to added information on a daily basis if needed.

EXECUTIVE SESSION:

Motion by Mr. Saunders at 7:50 PM to enter into executive session, second by Mr. Kerr. All in favor. Motion carried. Motion at 7:55 PM to end executive session by Mr. Saunders, second by Mr. Kerr. All I favor. Motion carried.

- A. Seasonal Employee 30 day review: Motion made by Mr. Saunders to implement the .50 increase to the hourly rate of the Seasonal Road Department Employee effective May 26, 2009. Second by Mr. Kerr. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders at 7:56 PM to adjourn, 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)

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

June 22, 2009

7:00 p.m.

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order by Mr. Kerr at 7:08 p.m. The Pledge of Allegiance was recited.

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

NOTICE OF RECORDING POLICY: Mr. Kerr requested for anyone in the meeting to acknowledge the use of a recording device. Mr. Gramz acknowledged a recording device.

VISITORS: Larry Coble and Pat Moore, Matt Shilling

TREASURER'S REPORT/FINANCIAL STATEMENT: Motion made by Mr. Saunders to approve pay the bills. Second by Mr. Kerr. All in Favor. Motion Carried. The May General Fund Account Reconciliation was presented for the board to review.

MINUTES: The June 8, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Kerr. All in favor. Motion carried. Mr. Gramz abstained from voting due to his absence at the June 8, 2009 meeting.

CORRESPONDENCE:

PennDot Customer Service Survey: Kelly will complete on behalf of the Township
Smart Transportation Quarterly: Copies will be made for each supervisor
Municipal Employers Insurance Trust Newsletter:
Gannett Fleming :Bride Deck Replacement: SR 4007, Section 253, DEP Permit Municipal
Notification – West Park Bridge over Muddy Creek
MDIA: Request written notification to terminate agreement
DEP Heron Ridge Subdivision approval notification

PUBLIC COMMENT:

None

PLANNING COMMISSION REPORT:

- A. **Shilling Plan:** Mr. Shilling presented his plan for subdivision which was reviewed and approved by the MCT Planning Commission. Mr. Kerr motion to accept the plan contingent on the receipt of correspondence for the Butler County Planning Commission. Mr. Saunders seconded. All in favor. Motion carried. Mr. Saunders made a motion to sign and seal the plans outside of the meeting. Second by Mr. Kerr. All in favor. Motion carried.

- B. Alternate Membership: Mr. Gramz requested to add up to three additional alternate members to the Planning Commission. The alternates would be eligible to vote when the regular members are not in attendance. Mr. Smith will prepare a resolution for approval at the next supervisor's meeting for the appointment of alternate members. Mr. Larry Coble and Ms. Pat Moore expressed their interest in serving as an alternate member.

ROAD DEPARTMENT REPORT:

A report is being developed to provide updates at meetings on the status of road department projects which will include the condition of equipment .

OLD BUSINESS:

- A. EIT Tax Audit: Motion to table by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- B. Debra Allen Property: Motion by Mr. Kerr to send Mrs. Allen a letter identifying the violations and the requirements necessary to meet the Land Development and Subdivision Ordinance. Second by Mr. Saunders. All in favor. Motion carried.
- C. Shaffer Property: Doug Duncan, SEO, will be contacted to provide a letter which identifies all of the system options that have been exhausted. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Levis Road: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- E. Flinner Property: Mr. Saunders motioned to table, second by Mr. Kerr. All in favor. Motion carried.
- F. UCC Appeals Board: A response from COG has still not been received. Mr. Saunders is going to inquire about an Appeals Board to Portersville Borough. Mr. Kerr will inquire to Lancaster Township. Motion to table made by Mr. Kerr, second by Mr. Saunders. All in favor. Motion carried.

NEW BUSINESS:

- A. Swimming Pool Permits: Mr. Gramz previously inquired if swimming pool permits were issued for 275 Hufnagel Road, 1583 Perry Highway and Route 19 –Lechner residence. Mr. Saunders questioned whether they are temporary and do they require permits. Mrs. Livermore will contact the building code officer to identify the permit application review rates and inspection rates for these swimming pools. Mr. Gramz motioned for building code officer to notify the property owners of UCC code violations. Mr. Saunders stated he would not second a motion. Mr. Kerr declined to second the motion. The motion dies. Mrs. Livermore was instructed to identify the costs from the building code officer and send a courtesy letter to the property owners explaining the need for the permit and the costs associated with the permit.

- B. UCC Permits: Mr. Gramz inquired about a building permit being issued to 123 Moraine Drive for a deck. In addition, a tree fell onto two modular home (147 and 149 Moraine Drive). He has requested for the building code official to inspect these properties for structural damage. Mr. Kerr questioned whether the insurance company should handle the claim first and when the repairs are being made, the owners of the dwellings then apply for a building permit. Mr. Kerr requested an opinion from the building code officer.
- C. Budget Comparison: Mr. Gramz requested a budget variance report for the first six months of this current fiscal year for the next meeting.
- D. Administrative Procedures: Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- E. Traffic Signal Insurance: Bronder Technical Services will be providing the detailed information on the signals at I-79 and Pilot Drive so that insurance can be obtained. Motion to table made by Mr. Saunders. Second by Mr. Kerr. Motion carried.
- F. Bronder Technical Services Contract: A motion to approve the maintenance agreement with BTS in the amount of \$1,800.00 beginning July 1, 2009 through June 30, 2010 was made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Relay Switch: Mrs. Livermore was requested to contact Bronder Technical Service to inquire if a relay switch was to be initially installed at the Pilot Intersection. Mr. Thompson would also have this information.

SOLICITORS COMMENTS: None

SECRETARY COMMENTS: None

ADJOURNMENT: Motion by Mr. Saunders at 8:40 PM to adjourn, 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)