

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS
September 21, 2011
7:00 PM**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:02 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: Ms. Pat Moore, Mr. Bob Skrak

TREASURER'S REPORT: The treasurer's report was presented for August. Motion to accept the report was 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 August 30, 2011 minutes made by Mr. Saunders. Second motion made by Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. McKesson Governmental Entity Payor Class Action Administrator
Drugs and drug co pay for overcharging.
- B. UPMC: Statements from the President and CEO
- C. BCATO: Fall Convention October 26 (6:00) Topic is Storm Water. Prospect Fire Hall
- D. Tetra Tech: Rex Energy Cheeseman Pipeline and Metering Station
- E. IUOE: Notification to Bargain and Requested Information. Need approval to send information and dates for meetings. Mr. Saunders will be in touch with the Union representative. A motion was made by Mr. Saunders and seconded by Mr. Kerr to approve for Mrs. Livermore to forward the requested information to Mr. Bowser.
- F. Pa Dept of Labor and Industry: Mediator Robert Lavery has been assigned to the negotiations for the union contract.
- G. Adams: Certified Letter was sent regarding her driveway and her discussion with Dale Kerr in Cal's General Store and her alleged harassment. Mr. Saunders made a motion to table. Second by Mr. Kerr. All in favor. Motion carried.

- H. Auditor General Report of the Pension Fund: Mr. Saunders made a motion to accept the auditor general report of the pension fund. Second by Mr. Kerr. All in favor. Motion carried.
- I. Gannett Fleming: Tom Thompson reported on his inspection of the driveway at 772 Yellow Creek Road. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

PUBLIC COMMENT:

Mr. Skrak stated that he is going to take a look at Currie Road to do some test holes to determine how to address the condition of the roadway.

COMMITTEE UPDATES:

Planning Commission: No meeting due to lack of agenda items.

BCATO: Working on fall conference

COG: The state cog conference provided information on COG care, Marcellus Shale Tax which is now being considered as "impact fees." Low interest loans for buildings and vehicles are available through the state.

ROAD DEPARTMENT REPORT:

A. Three Year Plan: No Action

B. Tree 488/Wallace: A letter was sent to Penn Dot for action.

C. Borough Roads: A letter was sent to Portersville Borough.

D. Grader Storage: No action.

E. Ordinance 63.1: Motion was made by Mr. Saunders to adopt Ordinance 63.1 "Over Posted Weight Vehicle Ordinance" Second by Mr. Kerr. All in favor. Motion carried.

F. Protech Asphalt: A meeting/conference call was held on September 14, 2011 with the Bond Company, Contractor, Road Master, Township Solicitor and Municipal Services Representative to satisfy the bond requirement and discuss the failing road application. Mr. Saunders made a motion to declare a default on the contractor (Protech Asphalt). Second by Mr. Kerr. All in favor. Motion carried. Mrs. Livermore will send a letter to the contractor and to the bond company declaring a default on the contract.

G. BCATO: Municipal Employees Safety Training to be held on Oct. 5, 2011. Mr. Saunders motion to approve the attendance of Mr. Flinner and Mr. Hempfling at a cost of \$10.00 each. Second by Mr. Kerr. All in favor. Motion carried.

OLD BUSINESS:

- A. Darlene Oliver Building Permit: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- B. National Flood Insurance Ordinance. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- C. Hardship Hookups: Motion to send a certified letter to Ms. Parson and Mr/Mrs. Kradel made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Fireworks Display Ordinance: Mr. Smith commented that the Board of Supervisors comments were forwarded to Mr. Lope. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- E. Sewage Ordinance: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. Newsletter: Mrs. Livermore is working on the final draft. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Township Building: The well is complete with the installation of the cold water tank. No report on the LOMA. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

NEW BUSINESS:

- A. Cheeseman Well: Flaring should be occurring within the next two weeks.
- B. Hartford Bond: Mrs. Livermore filed a claim for \$589.36
- C. Adams Driveway (Hufnagel Road): Mrs. Adams has sent a letter stating that she refuses to obtain a driveway permit. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. LST Collection: Motion by Mr. Saunders to extend the current collection contract with Berkheimer and Associates at a collection rate of 1.6% Second by Mr. Kerr. All in favor. Motion carried.
- E. Pension 2012: The minimum municipal obligation for the pension fund for 2012 is estimated at approximately \$7700. This amount does not include the state reimbursement. Motion to accept made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. Trick or treat: Motion for trick or treat night to be held on October 31, 2011 from 6:00-7:30PM made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: None.

SECRETARY'S COMMENTS: Mrs. Livermore will have some adjusted hours in the next few weeks. Mrs. Livermore is scheduled for BCO training on September 29 from 1:00 – 4:30 PM in Pittsburgh.

Mrs. Livermore received an EIT claim from Hermitage City for 2004-2006 in the amount of \$2099. Mr. Saunders made a motion to pay the claim and not other claims from 2004 to 2006 are to be paid. Second by Mr. Kerr. All in favor. Motion carried.

EXECUTIVE SESSION: A motion was made at 7:40 PM by Mr. Kerr to enter into executive session to discuss legal issues. Second by Mr. Saunders. All in favor. Motion carried. Motion to

exit executive session made by Mr. Saunders at 7:55 PM. Second by Mr. Kerr. All in favor. Motion carried.

COG Care: Mr. Saunders made a motion to renew the current healthcare plan for 2012 with COGcare. Second by Mr. Kerr. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 7:57PM, 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)

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