

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**October 17, 2012**

**7:00 PM**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order at 7:01 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

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

**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:** Jordan Vinroe, Bob Griffith, Bill Puryear

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

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

**MINUTES:** Motion made by Mr. Saunders to accept the September 19, 2012 minutes. Second by Mr. Jesteadt. All in favor. Motion carried.

**RATIFY ACTION:** A motion was made by Mr. Saunders to ratify the action to award the bid for the pole building to the lowest responsible bidder, Heckman's Landscaping, in the amount of \$42,192.00. Second by Mr. Kerr. Mr. Jesteadt opposed the motion. Motion carried.  
A motion was made by Mr. Saunders for the chairman of the board to sign paperwork for the bid award outside of the meeting and to make a payment to Heckman's in accordance to the trusses are placed and steel is on site. Second by Mr. Kerr. All in favor. Motion carried.

**CORRESPONDENCE:**

**Pat Moore:** Resignation from the planning commission as alternate member. Motion to accept Ms. Moore's resignation made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.

**Ancient Sun:** Requesting Release of Bond from DEP.

**Road Bond:** Rex Energy is requesting an extension of their current over posted weight permit on Cheeseman Road. Their bond is current and up to day. Motion by Mr. Saunders to approve the extension to March 28, 2013. Second by Mr. Jesteadt. All in favor. Motion carried.

**Butler County Planning Commission:** Announcement of the CDBG funds.

**IRS:** Notice for 1099's incorrect TIN. IRS made the mistake when entering the numbers. The township must keep the notice for three years.

**Rex Energy:** Notice of permit application for drilling in Lancaster Township: Warner Well.

**PSATS:** UC rate increased from 4% to 8% for 2013.

**PUC:** Estimate for the Act 13 funds is \$19,073.70.

**BCTCC:** Reappointment of a delegate and alternate delegate.

**PUBLIC COMMENT:** No comment.

## **COMMITTEE UPDATES:**

### Planning Commission:

Lasko Plan: No quorum for planning commission meeting

Kristan Plan: Subdivision is primarily in Lancaster Township (Hufnagel Road). As a courtesy review of the Muddy Creek Township portion, the plan is submitted. It has been reviewed by Mr. Smith and Mr. Thompson. The plan has not been reviewed by the Muddy Creek Planning Commission. The plan has been reviewed by the Lancaster Township Planning Commission and Butler County Planning Commission. A motion was made by Mr. Saunders and seconded by Mr. Kerr to approve the plan contingent upon the review of the Muddy Creek Township Planning Commission. All in favor. Motion carried.

### BCATO:

The fall conference will be held on October 23<sup>rd</sup> at the Slippery Rock Township Building with dinner provided. A motion by Mr. Saunders to approve Mr. Kerr's attendance at the conference at a cost of \$15.00. Second by Mr. Jesteadt. All in favor. Motion carried.

### COG:

No meeting.

## **ROAD DEPARTMENT REPORT:**

- A. Protech Asphalt: Mrs. Livermore will contact Mr. Knapko from PennDot to obtain the measurement for Sawyer because the road surface is failing. Mrs. Livermore will forward the measurements to the bond company.
- B. Flagger Training: Mr. Saunders can provide the mandated training to the road department.

## **OLD BUSINESS:**

- A. Flood Management Ordinance: A motion to table was made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- B. UCC Appeals Board. House Bill 2530 would allow for a joint municipal UCC Appeals Board.
- C. Indemnity Agreement for HOP: Motion to table made by Mr. Kerr. Second by Mr. Jesteadt. All in favor. Motion carried.
- D. Yellow Creek Road: Mr. Saunders did ride by the location where the accident occurred. There is no shoulder. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

## **NEW BUSINESS:**

- A. 2013 Budget: The preliminary budget needs to be completed by October 17<sup>th</sup>, final preliminary budget November 21<sup>st</sup>, advertise on November 30<sup>th</sup>, adopt the budget on December 19, 2012.
- B. Cell Phones: Motion made by Mr. Saunders to cancel the current cell phone plan and compensate the secretary and two road workers \$40/each per month for the use of their personal cell phones beginning January 1, 2013. An agreement needs to be developed that

township workers must provide cell phone numbers and must respond to telephone calls. Second by Mr. Kerr. All in favor. Motion carried.

- C. CDL Training: CDL Probable Cause Training: Federally required training for every employer with CDL employees. Mr. Saunders has completed the training.
- D. Dump Truck: A motion was made by Mr. Saunders to purchase a 2013 Freightliner 108SD off of the state contract at a cost of \$79,895.00 and the Stainless Steel Dump Body with 304 upgrade from US Municipal (Costars Contract 025-019) at a cost of \$35,530.00. Second by Mr. Jesteadt. All in favor. Motion carried.
- E. Truck Financing: A motion was made by Mr. Jesteadt to finance the dump truck at a tax free loan through FNB at a 2.75% interest rate. Second by Mr. Saunders. All in favor. Motion carried.
- F. Township Insurance: Rodgers Insurance is again providing a quote for the townships insurance. The policy is a claims made policy. Mr. Roche can attend a meeting to discuss the policy. If no changes are made to the policy for 2013, it will remain a claims made policy.
- G. Backhoe Payoff: A motion was made by Mr. Saunders and seconded by Mr. Kerr to pay off the balance of the backhoe at approximately \$39,427.23. A resolution will follow for the next meeting. Payment will be taken from the debt service general fund line item. All in favor. Motion carried.
- H. Capital Reserve Fund: A motion was made by Mr. Saunders and seconded by Mr. Kerr to open a savings account and create a capital reserve fund for the Act 13 funds. Mr. Smith will begin the paperwork and resolution for the fund. All in favor. Motion carried.
- I. V. Kerry Property: A cease and desist was issued. Mrs. Livermore will follow up with Butler County Conservation District. Motion to table made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- J. Septic Hardship Annual Renewal: Motion made by Mr. Saunders and seconded by Mr. Jesteadt to approve the hardship application. All in favor. Motion carried.
- K. 2011 Audit: Mrs. Vivian Caruso presented the audit for 2011 with no remarkable findings. A motion was made by Mr. Saunders to accept the audit report. Second by Mr. Jesteadt. All in favor. Motion carried.

**SOLICITORS COMMENTS**: None

**SECRETARY'S COMMENTS**: None

**ADJOURNMENT**: Motion by Mr. Saunders to adjourn at 8:45 PM. Second by Mr. Kerr. All in favor. Motion carried.

## **MUDDY CREEK TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
Dale Kerr, Chairman

\_\_\_\_\_  
Rick Saunders

\_\_\_\_\_  
Robert J. Jesteadt, Sr.

\_\_\_\_\_  
Kelly A. Livermore, Secretary/Treasurer

(Seal)