

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS  
ORGANIZATIONAL MEETING AGENDA  
January 4, 2010  
7:00 p.m.**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors Organizational Meeting was called to order by Mr. Kerr at 7:00 p.m.

**CHAIRPERSON PROTEM:** Motion made by Mr. Saunders to appoint Mr. Kerr as Chairperson Protem, second Mr. Kerr. All in favor. Motion carried.

**RECORDING SECRETARY:** Motion made by Mr. Saunders to appoint Mrs. Livermore recording secretary, second Mr. Kerr. All in favor. Motion carried.

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Rick Saunders, and Mrs. Livermore. Mr. Gramz was absent.

**PLEDGE OF ALLEGIANCE:**

**RECOGNIZE NEWLY ELECTED SUPERVISOR/OFFICIALS:** Mr. Saunders recognized Mr. Kerr as the re-elected Township Supervisor.

**CHAIRPERSON:** Motion by Mr. Saunders to nominate Mr. Kerr, second Mr. Kerr. All in favor. Motion carried.

**VICE-CHAIRPERSON:** Motion by Mr. Kerr to nominate Mr. Saunders, second Mr. Saunders. All in favor. Motion carried.

**2010 MEETING SCHEDULE:** Motion by Mr. Kerr to schedule monthly meetings of the Board of Supervisors on the third Wednesday of each month at 7:00 PM at the Muddy Creek BBQ (see attached dates). Second Mr. Saunders. All in favor. Motion carried.

**SECRETARY/TREASURER:** Motion by Mr. Kerr to appoint Kelly Livermore as Secretary/Treasurer and Permit Issuance Officer, second Mr. Saunders. All in favor. Motion carried.

**SECRETARY/TREASURER COMPENSATION:** Motion by Mr. Kerr setting secretary/treasurer compensation at \$16.50/hr, second Mr. Saunders. All in favor. Motion carried.

**WAGE AND SALARY RESOLUTION 2010-02:** Motion by Mr. Kerr to adopt Resolution 2010-02. Second by Mr. Saunders. All in favor. Motion carried.

**TREASURER'S BOND:** Motion by Mr. Saunders establishing the bond amount at \$300,000.00 for the year 2010, second Mr. Kerr. All in favor. Motion carried.

**ROADMASTER:** Motion by Mr. Saunders to appoint Chairman and Vice Chairman as Co-Road masters, second Mr. Kerr. All in favor. Motion carried.

**VACANCY BOARD:** Motion by Mr. Kerr to appoint Mr. Robert Ondo, if accepted, to the vacancy board. Second by Mr. Saunders All in favor. Motion carried.

**BCATO REPRESENTATIVE:** Motion made by Mr. Kerr to appoint Mrs. Livermore as the township's representative at the Butler County Association of Township Officials. Second by Mr. Saunders. All in favor. Motion carried.

**BUTLER COUNTY COUNCIL OF GOVERNMENTS:** Motion made by Mr. Kerr to appoint Mrs. Livermore as the township's representative at the Butler County Council of Governments. Second by Mr. Saunders. All in favor. Motion carried.

**DEPOSITORY:** Motion by Mr. Saunders selecting First National Bank for the Township's accounts, second Mr. Kerr. All in favor. Motion carried.

**NEWSPAPER PUBLICATIONS:** Motion by Mr. Kerr designating The Butler Eagle, second Mr. Saunders. All in favor. Motion carried.

**PLANNING APPOINTMENT:** Mr. Saunders made a motion to appoint Mr. Don Hutchins to a one year term beginning 1/1/2010 to 12/31/2010. Second by Mr. Kerr. All in favor. Motion carried. Motion to table the four year appointment made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**STATE CONVENTION DELEGATE:** Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried

**STATE CONVENTION VOTING DELEGATE:** Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried

**AUDITOR APPOINTMENT:** Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

**MILEAGE REIMBURSEMENT:** Motion by Mr. Kerr setting rate by IRS second Mr. Saunders. All in favor. Motion carried.

**FEE SCHEDULE:** Motion by Mr. Kerr to adopt Resolution 2010-01 with amendments setting the Township's 2010 Fee Schedule, second Mr. Saunders. All in favor. Motion carried.

**HOLIDAY FOR NON-UNION EMPLOYEES:** Motion by Mr. Kerr setting the holiday as follows: News Years Day, Christmas Day, Thanksgiving Day, Veteran's Day, Memorial Day, Labor Day, and the 4th of July, excluding Non –union and seasonal employees, second Mr. Saunders. All in favor. Motion carried.

**SEWAGE ENFORCEMENT OFFICER:** Motion by Mr. Saunders to appoint Doug Duncan, second Mr. Kerr. Second by Mr. Kerr. All in favor. Motion carried.

**ALTERNATE SEWAGE ENFORCEMENT OFFICER:** Motion by Mr. Saunders to appoint Chuck Smith, second Mr. Kerr. All in favor. Motion carried.

**BUILDING CODE ENFORCEMENT AGENCY:** Motion by Mr. Kerr to adopt resolution 2010-03 appointing Professional Code Services as the Building Code Enforcement Agency. Second Mr. Saunders. All in favor. Motion carried.

**SOLICITOR:** Motion by Mr. Kerr to appoint Mr. Thomas Smith, second Mr. Saunders. All in favor. Motion carried

**ENGINEER:** Motion by Mr. Kerr to appoint Gannett Fleming as the engineer, second Mr. Saunders. All in favor. Motion carried.

**ALTERNATE ENGINEER:** Motion by Mr. Kerr to appoint MESA as the alternate engineer, second Mr. Saunders. All in favor. Motion carried.

**CERTIFIED PUBLIC ACCOUNTANTS:** Motion by Mr. Saunders to adopt Resolution #2010-04 appointing the Firm of Caruso & Caruso to perform the 2009 Annual Financial Audit at a cost not to exceed \$3995.00, second Mr. Kerr. All in favor. Motion carried.

**REAL ESTATE TRANSFER TAX COLLECTOR:** Motion by Mr. Saunders reappointing Butler County Recorder of Deeds, second Mr. Kerr. All in favor. Motion carried.

**EARNED INCOME TAX/ LOCAL SERVICES TAX COLLECTOR:** Motion by Mr. Saunders to appoint Berkheimer Tax Administrator to collect the Current and Delinquent Local Services Tax and the Earned Income Tax. Second by Mr. Kerr. All in favor. Motion carried.

**FIRE DEPARTMENT:** Motion made by Mr. Saunders to appoint Portersville-Muddy Creek Township Volunteer Fire Department as the Muddy Creek Township Fire Company.

**EMA COORDINATOR:** Motion by Mr. Saunders to appoint Mr. Vaughn Badger, second Mr. Kerr. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Kerr at 7:11 p.m. to adjourn, second Mr. Saunders. All in favor. Motion carried.

## **MUDDY CREEK TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
Dale Kerr, Chair

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Eric Saunders, Vice Chair

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Sean Gramz, Supervisor

ATTEST:

\_\_\_\_\_  
Kelly Livermore  
Secretary/Treasurer

(Seal)

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**January 20, 2010**

**7:00 p.m.**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order by Mr. Kerr at 7:00 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. No one acknowledged a recording device.

**VISITORS:** Mr. Bob Badger, Ms. Audrey Badger, Ms. Pat Moore, Mr. Vaughn Badger.

**TREASURER'S REPORT/FINANCIAL STATEMENT:** Motion made by Mr. Saunders to pay the bills presented. Second by Mr. Kerr. All in favor. Motion carried.

**MINUTES:** Motion to accept the December 28, 2009 minutes made by Mr. Kerr. Second by Mr. Saunders. Mr. Gramz abstained due to his absence at the meeting. Motion carried.  
Motion to accept the January 4, 2010 minutes made by Mr. Saunders. Second by Mr. Kerr. Mr. Gramz abstained due to his absence at the meeting. Motion carried. Motion by Mr. Gramz to amend the December 7, 2009 meeting minutes to reflect the motion made by Mr. Gramz/Mr. Kerr to accept the 2007 and 2008 Audit reports presented by Caruso and Caruso. Second by Mr. Kerr. All in favor. Motion carried.

**CORRESPONDENCE:**

Butler County Humane Society: Agreement for 2010. Motion to table and remove from agenda made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

Caruso and Caruso Agreement for 2009 Audit

CW Howard Insurance Policy Cancellation: Motion by Mr. Saunders to cancel the CW Howard Insurance Policy and to replace insurance (w/c, liability and automobile) with Rodger Insurance Agency. Second by Mr. Kerr. All in favor. Motion carried.

Gannett Fleming Agreement for 2010

Costars Salt Order for 2010-2011 season: Motion by Mr. Saunders to order 500 ton of salt through Costar for the 2010-2011 season. Second by Mr. Kerr. All in favor. Motion carried.

**PUBLIC COMMENT:** Mr. Gramz commented that the 2010 census will be underway.

**HAZARD MITIGATION PRESENTATION:** Mr. Vaughn Badger discussed the recently completed Butler County Disaster Mitigation Plan. There are two potential hazards which could occur in Muddy Creek Township. 1. Severe weather and 2. Flooding on Stanford Road. An informational meeting with the weather service would be beneficial to identify means to notify residents of severe weather. Restricted building in the identified flood zone on Stanford Road should be considered.

The current plan is at the federal level for review and will need to be approved by PEMA. It will then be submitted to the Township for approval.

### **PLANNING COMMISSION REPORT:**

Four Year Term Position: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

Mr. Gramz reported that Planning Commission Organizational Meeting was held on January 14, 2010 and Mr. Hutchins was appointed to the Chair, Ms. Burtner was appointed to the Vice Chair and Cindy Hinkle was appointed to the Secretary position. The meetings will be held on the second Thursday of each month at 7:00 PM at the Township Office.

A motion was made by Mr. Saunders to offer the services of the township secretary to assist the planning commission provided that the monthly meetings are changed. Second by Mr. Kerr. All in favor. Motion carried. Mrs. Livermore will send a letter to Mr. Hutchins notifying him of the boards offer to assist with secretarial duties.

Mr. Gramz noted that he did send templates from the Planning Commission to Mr. Hutchins for his use as Chair.

### **ROAD DEPARTMENT REPORT:**

Mr. Kerr signed the Pete Mathaiu contract for the repair of the roof. Motion by Mr. Kerr to award the garage door replacement contract to Gerald Geil for the amount of \$6,800 to be paid for from the Building Fund. Second by Mr. Saunders. All in favor. Motion carried.

### **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 to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- C. Intergovernmental Agreement with Portersville Borough/Muddy Creek Township: Motion to table made by Mr. Kerr to approve the agreement with the list of borough roads that the township will be maintained as an attachment. Second by Mr. Saunders. All in favor. Motion carried.
- D. Resolution 2010-05 Intergovernmental Agreement: Motion made by Mr. Kerr to adopt resolution 2010-05. Second by Mr. Saunders. All in favor. Motion carried.
- E. Relay Switch – Pilot Traffic Lights: Bronder submitted a quote of \$2,290.83 for the installation of relay switch at each intersection (422/Pilot and 422/I-79). Mrs. Livermore will contact PennDot to inquire if flip stop signs could be installed to be used if the lights are nonfunctional. Motion to table made by Mr. Saunders. Second by Mr. Gramz. All in favor. Motion carried.

- F. Auditor Positions: Mrs. Livermore will check with Ms. Roland and Ms. Stickle to inquire of their interest to serve as an auditor. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Convention Delegate: Motion made by Mr. Kerr to appoint Mr. Gramz as the voting delegate to attend the annual PSATS conference. Second by Mr. Saunders. All in favor. Motion carried.
- B. Dean Erdner/Ethics Commission: Mr. Erdner was contacted by the State Ethics Commission to complete a Statement of Financial Interest for 2007/2008 for his appointment to the Vacancy Board. Mr. Erdner claims that he never accepted an appointment to the Vacancy Board. Mr. Erdner is requesting that a letter be forwarded from the Board of Supervisor to confirm that he never accepted the appointment to the vacancy board. Motion by Mr. Gramz to send a letter to the Ethics Commission confirming that Mr. Erdner was not notified nor did he accept the appointment to the vacancy board. Second by Mr. Kerr. All in favor. Motion carried.
- C. Rental/Landlord Registration: Mr. Gramz questioned the status of the Rental/Landlord Registration. There has no recent work on this but it is on the goals for the township this year. Mr. Gramz offered assistance when this is being addressed.
- D. Tax Collection Committee: Mr. Saunders reported that the proposed 2010 budget for the TCC is \$20,000. The township's share will be \$114.00.
- E. Administrative Office Heat. Mr. Kerr reported that the landlord of the administrative office requested approval to install a heating unit that utilizes propane in the administrative office with the township responsible for the costs of the propane. Motion to approve the request made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**SOLICITORS COMMENTS:** None

**SECRETARY'S COMMENTS:** Mrs. Livermore reported that COG has purchased the craftco machine and is scheduling the use of the machine for 7 days. Mrs. Livermore requested approval to pay utility bills on line if they become due in between meetings to avoid disconnection/shut off. Mr. Saunders commented that Mrs. Livermore should investigate bill payer on line from the bank. He also stated that the supervisors can sign checks in between meetings to be approved at the next meeting.

**EXECUTIVE SESSION:** Motion made by Mr. Saunders to enter into executive session at 8:09 PM for the purpose of litigation discussion. Second by Mr. Kerr. All in favor. Motion carried.

Motion by Mr. Saunders to exit executive session at 8:32PM. Second by Mr. Gramz. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Saunders at 8:34 PM to adjourn, second Mr. Kerr. All in favor.  
Motion carried.

**MUDDY CREEK TOWNSHIP SUPERVISORS**

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

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Rick Saunders

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Sean Gramz

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Kelly A. Livermore, Secretary/Treasurer

(Seal)