

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

**July 13, 2009
7:00 p.m.**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order by Mr. Kerr at 7:01 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: Pat Moore, Bob Badger, Audrey Badger, Megan Duncan, Doug Symoniuk, Jim Shade, John Conrad, Larry Coble, Vicki Saunders, Kirk Brethauer, Carol Brethauer, George Watterson

TREASURER'S REPORT/FINANCIAL STATEMENT: Motion made by Mr. Saunders to approve pay the bills. Second by Mr. Kerr. All in Favor. Motion Carried.

MINUTES: The June 22, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. Debra Allen: Discussed the status of her property.
- B. Penn Christian School: Requests to have the speed limit in front of the school lowered. Dale will check with Dick Knapko to find out who would pay for a traffic study.
- C. Butler County Association of Township Officials Minutes were distributed to the Supervisors.

PUBLIC COMMENT:

Prior to public comment, Mr. Saunders provided a synopsis of the current legal proceeding against the former secretary/treasurer, Mrs. Dixie Christy. Mr. Saunders stated that in October of 2008, the township auditors called and claimed to have found discrepancies in the payroll account. Mr. Kerr and Mr. Saunders spoke with Vivian Caruso, CPA who informed them that checks were being made payable to Mrs. Christy that were not "due". When Mrs. Christy was confronted about the allegations, Mrs. Christy resigned without notice. Following more investigation, discrepancies were also noted from 2005-2008. The investigation was then turned over to the Pennsylvania State Police who investigated and filed charges. Mr. Saunders stated that "it won't happen again." There have been changes made to prevent it from happening again. Some of the changes include contracting with ADP for processing of the payroll. The previously used software system was discontinued and new accounting software was installed.

A request was made to identify who is responsible for the watch children sign on Burnside Road. In addition, the township was requested to plow a private road off of Burnside Road. The township does not plow private roads.

PLANNING COMMISSION REPORT:

No report. The next meeting will be held on July 16, 2009.

ROAD DEPARTMENT REPORT:

Mr. Kerr reported that the Ford 550 has been broken down which causes the summer work plan to be adjusted.

Mr. Gramz stated that the brush was high on West Park Road (from Burnside Road turning left).

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. Gramz. All in favor. Motion carried.
- C. Shaffer Property: The BCO re-filed charges. The SEO has not provided the letter identifying the systems that have been tested. Motion to table made by Mr. Kerr, second by Mr. Saunders.
- D. Levis Road: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- E. Flinner Property: Mrs. Livermore will contact MDIA to find out the status of the demolition. Mr. Saunders motioned to table, second by Mr. Kerr. All in favor. Motion carried.
- F. UCC Appeals Board: The Borough of Portersville has declined to develop a joint UCC appeals board. Mr. Kerr will make an inquiry to Lancaster Township about the development of a joint UCC appeals board. Motion to table made by Mr. Saunders, second by Mr. Gramz. All in favor. Motion carried.
- G. UCC Permits: The properties (275 Hufnagel Road, 1583 Perry Highway and Route 19 –Lechner residence) with pools installed without permits have been forwarded to the BCO. The property on Moraine Drive building a deck with no permit has been forwarded to the BCO. The BCO will be contacted to follow up on the alleged structural damage at 147 and 149 Moraine Drive. Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- H. Administrative Procedures: Mrs. Livermore asked the Board of Supervisors what format they would like the administrative procedures to be developed. The Board will adopt an administrative procedures manual. Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- I. Traffic Signal Insurance: Mrs. Livermore is have a difficult time obtaining a breakdown of the components of the traffic signals and components. Motion to table made by Mr. Kerr, second by Mr. Saunders. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution 09-13: Planning Commission Alternate Members – Motion to adopt the resolution made by Mr. Kerr, second by Mr. Gramz. All in favor. Motion carried. The alternate members were identified as Larry Coble, Bob Badger and Pat Moore.
- B. Caruso/Caruso: The detail of the agreement originally signed in January 2009 was signed.
- C. BCO Training: Mrs. Livermore is registered to take the BCO training and certification exam in August. She requested reimbursement for the \$250 registration if she passes the certification exam.
- D. Diesel Fuel: Motion made by Mr. Saunders to bid Ultra Low Sulfur Fuel. Motion seconded by Mr. Kerr. All in favor. Motion carried.
- E. Craftco Machine: Mr. Saunders would like to investigate the sale of a craftco machine to determine the legitimacy of the sale. Funds would be taken from major purchases line item.
- F. 2010 Budget: Mr. Gramz would like to begin the budget process for next year. Mrs. Livermore requested a confirmation on the 2009 budget that she provided to the supervisors.

SOLICITORS COMMENTS: Claim form for Hartford insurance needs to be completed.

SECRETARY COMMENTS: McClymonds Supply and Transit have not completed the paperwork from the April 13th bid. Payment to them has not been made until all paperwork is completed.

Executive Session: Motion by Mr. Kerr to enter into executive session at 8:14 PM, second by Mr. Saunders. All in favor. Motion carried. Motion by Mr. Saunders at 8:19 PM to end the executive session, second by Mr. Gramz. All in favor. Motion carried.

Seasonal Worker – 30 day review: Motion by Mr. Saunders to increase the hourly rate of the seasonal employee from 9.50 to 10.00/hour effective 6/28/09, second by Mr. Gramz. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders at 8:20 PM to adjourn, second Mr. Gramz. 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**

July 27, 2009

7:00 p.m.

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order by Mr. Kerr at 7:02 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: Pat Moore, Audrey Badger, Robert Badger, Brian Sicilia, Philip DeCaria, Chris Meder, Alex Meder, Larry Coble, John Conrad, B Reaugh, Mark Beacom, Doug Duncan

TREASURER'S REPORT/FINANCIAL STATEMENT: Motion made by Mr. Saunders to approve pay the bills. Second by Mr. Kerr. All in Favor. Motion Carried.

MINUTES: The July 13, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. Cocciardi and Associates: Worker's Compensation Site Safety Inspection was distributed to each supervisor for review.
- B. BCATO PSATS has requested for the supervisors to write to local legislators to oppose legislation that would impose a tax or fee for private water sources.

PUBLIC COMMENT:

John Conrad asked about the check register, Fire Tax Fund and Medical and Dental Insurance. Brian Sicilia asked about the alleged theft of township funds. Was there bonding in place and is there a time frame for which to collect from the bonding company.

John Conrad asked about a "better way" to disseminate information to the public.

Brian Sicilia asked about the township's ability to plow private roads. (Private roads are not plowed by the township. Private roads must meet standards in order for the township to consider accepting the transfer of a private road. The cost incurred for any work completed on private roads is the responsibility of the home owners association or property owners)

Chris Mater asked if property owners bring the roads up to specifications and offer to dedicate the road to the township, the township can refuse the dedication. (As it is now, the township cannot accept the road).

Alex Meder asked what the reason for any newly developed road not to be accepted by the township.

Bryan Sicilia commented that they are trying to maintain the road to the best of their ability to take care of their kids. (Mr. Gramz advised them to contact an engineer to determine the specifications and the cost necessary to bring the road up to specifications if necessary. Mr. Gramz also stated he has to abstain from any decisions on the road (Hunter's Hill) because of conflict of interest.

PLANNING COMMISSION REPORT:

No report.

ROAD DEPARTMENT REPORT:

No report.

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: Mrs. Allen attended the recent Planning Commission meeting. Mr. Gramz commented that Mrs. Allen is on the right path. She has a design professional. Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- C. Shaffer Property: In regards to the building permit, the building has been removed. The BCO needs to be contacted to confirm. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Levis Road: The engineer reviewed the driveway permit and approved the permit. Since the driveway was already installed. Nothing more needs done. Motion to remove from the agenda made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- E. Flinner Property: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. UCC Appeals Board: A letter requesting the development of a joint appeals board needs to be sent to Lancaster Township. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. UCC Permits: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- H. Traffic Signal Insurance: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- I. Portersville School Speed Limit: Mr. Kerr checked with Penn Dot who will analyze the need of the speed limit reduction and the township will need to request the reduction. If there is a cost associated with the traffic study, the school should absorb the costs. Mr. Gramz asked who enforced the speed limit. A representative from the school will be invited to attend the next meeting. An inquiry is being made whether the school has insurance on the current illuminated speed limit sign as well as a maintenance agreement.
- J. Diesel Fuel Bid: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

- K. Holding Tank Ordinance: The draft ordinance provided by Mr. Duncan is specific for existing only and not new construction. The Board of Supervisors have requested for Mr. Smith to review the ordinance as well as develop a maintenance agreement. Mr. Duncan will provide a copy of an existing agreement to Mr. Smith. Mr. Beacom, attorney representing Mr. Scheaffer, commented that Mr. Scheaffer wants to remodel the interior and get an occupancy permit for the exiting building so that he can operate his towing business. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

NEW BUSINESS:

- A. Non UCC permits: Mrs. Livermore inquired about the necessary legal requirements to issue non ucc permits. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- B. PA Conservation Works Grant: Mrs. Livermore is completing a grant to request funds for the road dept building. The grant is due August 14, 2009.
- C. Municipal Planners Seminar: A request for approval for Mr. Gramz to attend the seminar on September 12, 2009 at a cost of \$50.00. Motion to approve made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- D. Budgeting Tools and Techniques: A request for approval for Mr. Gramz to attend the Budgeting Tools and Techniques seminar on August 27, 2009 at a cost of \$90.00. Motion to approve made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- E. Burnside Road: Mr. Gramz inquired about the mowing of the high grass on Burnside Road. Mr. Kerr will address the issue with the Road Department.

SOLICITORS COMMENTS: None.

SECRETARY COMMENTS: None.

Executive Session: Motion by Mr. Kerr to enter into executive session at 8:20 PM, second by Mr. Gramz. All in favor. Motion carried. Motion by Mr. Saunders at 8:35 PM to end the executive session, second by Mr. Kerr. All in favor. Motion carried.

Flinner Property: Motion to authorize the BCO to withdraw charges made by Mr. Gramz and remove from the agenda. In addition to requesting a list of all open permits from MDIA. Second by Mr. Saunders. All in favor. Motion carried.

Bond Insurance Affiant: Motion to name Mr. Gramz as the affiant to act on behalf of Muddy Creek Township in filing the bond claim with Hartford Insurance made by Mr. Saunders. Second by Mr. Gramz. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders at 8:37 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)