

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS
August 17, 2011
7:00 PM**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:00 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mr. Sean Gramz, 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: Ms. Pat Moore, Ms. Erin Guidish, Mr Bob Jesteadt

TREASURER'S REPORT: Copies of the treasurer's report for the month ending July, 2011 was reviewed. Motion to accept the report 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 July 27, 2011 minutes made by Mr. Saunders. Second motion made by Mr. Kerr. All in favor. Motion carried. Mr. Gramz abstained.

CORRESPONDENCE:

- A. Butler County Controller: CAFR report 2010 available for review in the administrative office.
- B. Eileen Adams: Removal from Agricultural Security Area. Mrs. Livermore will record at the courthouse.
- C. PA One Call: 2011 Safety Day announcement.
- D. Mary Jo Meisel: Request for the township to pay her annual Pa State Tax Collector Association Fee (\$60.00). Mr. Saunders motioned to approve the payment of 1/3 of the total association fee (\$20.00). Second by Mr. Gramz. All in favor. Motion carried.

PUBLIC COMMENT:

None

COMMITTEE UPDATES:

- A. Planning:

Ms. Guidish has requested to extend the agreement made to remove the mobile home from lot 4 and build a residence on lot 1 of the McCormick plan. Mr. Saunders made a motion to extend the agreement to expire on July 22, 2013. Mr. Gramz seconded. All in favor. Motion carried. Ms. Guidish requested a 90 day extension on her land

development application. Mr. Gramz motioned to approve the 90 day extension. Second by Mr. Kerr. All in favor. Motion carried.

B. Butler County Association of Township Officials: Meetings will resume Sept 1.

C. Butler County Council of Governments: Nothing

ROAD DEPARTMENT REPORT:

A. Three Year Plan: Mrs. Livermore provided a copy of the road department's proposed three year plan.

B. Tree 488/Wallace: Motion made by Mr. Kerr to table. Second by Mr. Saunders. All in favor. Motion carried.

C. Borough Roads: Mr. Knapko from Penn Dot identified the township line on both Stanford and Levis Roads. Mr. Kerr will attend a borough meeting to discuss road conditions and the impact on the township plows.

D. Grader Storage: The grader needs to be stored in the winter so that the new backhoe can be stored in the garage. Mr. Saunders requested that the building on Stanford Road be figured out before the next meeting.

E. Ordinance 63.1: Weight Limit Ordinance: Mr. Saunders made a motion to approve the advertizing of Ordinance 63.1. Second by Mr. Gramz. All in favor. Motion carried.

F. Flaggers for West Park Road Crack Sealing: Mrs. Livermore contacted Franklin Township to see if the flaggers would be available August 30 – Sept 2. The flaggers are college students and not available. A quote was received by Area Wide Protection for \$62.00 per hour for two flaggers plus a \$75.00 daily mobilization fee. Labor Ready provides two flaggers at a cost of \$15.24/person. The flaggers are used by Area Wide Protection. The township needs to provide two radios and the signage. Mr. Saunders motioned to use the Labor Ready Flaggers at a cost of \$15.24 per person. Second by Mr. Kerr. All in favor. Motion carried.

G. Anti Skid Quotes: Mrs. Livermore faxed out quote requests and received only one back from Dale McClymonds at \$9.85 delivered. Mr. Saunders motioned to accept the Quote from Dale McClymonds. Second by Mr. Kerr. All in favor. Motion carried. Mr. Saunders motioned to approve the purchase of 300 Ton of Anti Skid this calendar year and 200 Ton in the 2012 fiscal year. Second by Mr. Gramz. All in favor. Motion carried.

H. Protech Asphalt: A letter filing a claim on the bond for the 2010 single seal was sent to the bond company as well as the contractor.

I. Shields Asphalt and Paving: Motion to approve the final completion of the Kelly Road paving project for 2011 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

J. Suit Kote: Motion to approve the final completion of the single seal project for 2011 was made by Mr. Saunders and seconded 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 table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Fireworks Display Ordinance: Mr. Smith will send revisions to the board for review. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- E. 2004-05-06 EIT Claims: Motion to pay New Beaver claim made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. IRS Tax Advocate: The advocate continues to work on the two remaining quarters in 2007 to abate. Should hear from her on August 18, 2011. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- G. Man Camps: Motion to remove from agenda made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- H. XTO: Requesting a bond for Cheeseman Road to move the drill offsite. Mr. Kerr noted that XTO has already damaged Cheeseman Road when they moved the drill onsite. XTO needs to repair the road. Mrs. Livermore will contact XTO to inquire about repairing the road.
- I. Sewage Ordinance: Mr. Smith was requested to update the ordinance to meet current standards. Motion to table made by Mr. Saunders. Second by Mr. Gramz. All in favor. Motion carried.

NEW BUSINESS:

- A. Newsletter: Mrs. Livermore has a draft of the township newsletter. Discussion about the distribution was held. Motion to table made by Mr. Saunders. Second by Mr. Gramz. All in favor. Motion carried.
- B. Resolution SEO Affidavit: This affidavit should be included in the ordinance. Mr. Duncan can require clients to sign off for his service.
- C. LST tax collection: Mr. Saunders motion to research Berkheimer Tax Administrator cost for continued collection of the LST. Second by Mr. Kerr. All in favor. Motion carried.
- D. Additional Meetings: Motion by Mr. Kerr to approve the addition and advertisement of the following meetings: August 30, October 4, October 26, November 29 and cancel October 19th meeting. Second by Mr. Gramz. All in favor. Motion carried.
- E. Highway Aid Budget Adjustment: Motion to move \$5,000 from 438.000 to 437.245 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: Ordinance 49 places regulations and requirements on oil/gas activity. The township can either rescind the entire ordinance or remove the language which addressed

oil/gas extraction. Mr. Smith will review ordinance and give recommendations. The Board wants to keep language that addresses dumps.

SECRETARY'S COMMENTS: Rex Energy has submitted the application for a Road Occupancy Permit for Cheeseman Road to bury a water line. Motion to approve the permit made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 8:25PM, 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
August 30, 2011
7:00 PM**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:00 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Dale Kerr, Mr. Rick Saunders, and Mrs. Kelly Livermore. Mr. Sean Gramz was absent. Mr. Thomas Smith 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 Badger, Mrs. Audrey Badger, Mr. Larry Coble.

TREASURER'S REPORT: No Treasurers report this meeting.

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

MINUTES: Motion to accept the August 17, 2011 minutes made by Mr. Saunders. Second motion made by Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. Rintha Miller: Structure Removal permit requirement. Mrs. Livermore will check with the building inspector for guidelines to remove the structure.
- B. Unemployment Compensation: Payments for the month of July
- C. Ms. Eileen Adams: Wants to review other driveway permits that were submitted for paving of driveways.
- D. UPMC:
- E. Berkheimer: Notice of public meetings regarding Act 32
- F. Tetra Tech: Notice that Rex Energy intends to submit a Chapter 105 Permit Application to DEP.

PUBLIC COMMENT:

Mrs. Pat Moore commented that she felt that the expense for the printing and distribution of a township newsletter was unnecessary. The residents of the township have the opportunity to obtain information using the website, calling the office or attending the meetings. Perhaps costs can be saved by placing the newsletter at places throughout the township rather than send a copy to each household.

COMMITTEE UPDATES:

No Committee Updates

ROAD DEPARTMENT REPORT:

- A. Three Year Plan: Mrs. Livermore provided a copy of the road department's proposed three year plan.
- B. Tree 488/Wallace: No action.
- C. Borough Roads: .No action.
- D. Grader Storage: No action.
- E. Ordinance 63.1: No action.
- F. Protech Asphalt: A letter requesting a meeting with the bond company and the contractor was approved on a Saunders/Kerr motion. All in favor. Motion carried.
- 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. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- B. National Flood Insurance Ordinance. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- C. Hardship Hookups: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- D. Fireworks Display Ordinance: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- E. IRS Tax Advocate: The IRS has abated penalties and interest and has reimbursed the township a total of \$ 11,390.94. Mrs. Livermore will contact the bond company to file a claim for the remainder if there is any outstanding.
- F. XTO: Requesting a bond for Cheeseman Road to move the drill offsite. XTO submitted the bond, fees and application. Motion by Mr. Saunders to remove from the agenda. Second by Mr. Kerr. All favor. Motion carried.
- G. Sewage Ordinance: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- H. Newsletter: A discussion was held regarding the most cost efficient way to distribute the newsletter and get the information out.
- I. Township Building: LOMA will need to be submitted to FEMA. Motion by Mr. Saunders to request Mr. Sperdute to complete the required FEMA requirements to obtain a LOMA for Stanford Road Maintenance Building. Second by Mr. Kerr. All in favor. Motion carried.

NEW BUSINESS:

- A. Yellow Creek Road Driveway: Mr. Saunders motioned to contact the township engineer to have the driveway inspected. Second by Mr. Kerr. All in favor. Motion carried.

- B. Flinner Road Driveway: There is a driveway on Flinner Road that continues to wash out onto the road way. Mr. Suanders motioned to send a letter to the property owner to have the issue resolved prior to the winter season. Second by Mr. Kerr. All in favor. Motion carried.
- C. 2012 Budget: Mrs. Livermore will forward worksheets with dates for the budget process and approval.
- D. Seasonal Worker: The last day for the seasonal worker will be the last day of the second pay period of September, 2011. Motion made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: Not present.

SECRETARY'S COMMENTS: Mrs. Livermore will not have office hours on Wednesday, August 31, 2011.

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 7:40PM, 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)