

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS  
February 15, 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. Rick Saunders, Mr. Dale Kerr, Mr. Robert Jesteadt, Sr. 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:** Eileen Adams, Pat Moore, Howard Stanford, Zach Stanford, James Shuty.

**TREASURER'S REPORT:** A motion was made by Mr. Kerr to accept the treasurer's report for the month of January. 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. Kerr to accept the January 18, 2012 minutes. Second by Mr. Saunders. All in favor. Motion carried.

**CORRESPONDENCE:**

- A. PEMA: 2012 Spring Hazardous Weather Emergency Preparedness Exercise: March 29, 2012 from 8:30 PM to 2:00 PM. Sign up by March 22 to participate.
- B. PADOT: MS965 has been forwarded for 2011. The report has been received and approved by PADOT.
- C. Armstrong Cable: Notice of fee increases.
- D. SAI Consultant: Received Act 67, 68 and 127 notifications for 422 bridge replacement project.
- E. PCS: Issued a cease and desist order to R. McNichol for use of a shed for mercantile business without the issuance of a building permit or certificate of occupancy.
- F. SPC Community Assistance Bulletin: Information on new lighting regulations.
- G. Butler County: Announcement of grant funds (DCNR).
- H. Westerman Septic Mailer: The mailer was received and forwarded to DEP.
- I. Redevelopment Authority of Butler County: Requesting a letter of support for a Keystone Communities grant for blighted properties. A motion was made by Mr. Saunders to send a letter supporting the authorities grant application. Second by Mr. Kerr. All in favor. Motion carried.
- J. Old Republic Surety: Notification received that the bond company will repair portions of the roads where single seal application was performed by Protech Asphalt. Mrs. Livermore sent a letter requesting a copy of the report.

**PUBLIC COMMENT:**

Mrs. Adams asked questions of the Board regarding health insurance, identification of the road master and the building fund.

**COMMITTEE UPDATES:**

Planning Commission:

Mr. Shuty was present to request approval for the lot line revision submitted on behalf of Dave Westerman. On a motion made by Mr. Saunders, conditional approval is granted provided that DEP approves the septic plan. The mylar with the final plans approved by the planning commission needs to be provided for signature outside of the meeting. Second by Mr. Jesteadt. All in favor. Motion carried.

BCATO:

The BCATO committee is working on the spring convention and updates to the local directory.

COG:

Mr. Jesteadt reported that the COG is working on getting discounted cable rates from Armstrong Cable. He also checked with Connoquenessing Township about paving. They are scheduled to pave Ragan Road. Mr. Kerr will check with Lancaster Township to inquire if they are interested in paving their minimal section in conjunction with Connoquenessing.

**ROAD DEPARTMENT REPORT:**

A. Borough Roads: There has been no action on the proposed addendum to the maintenance agreement. Mr. Kerr will attend the next meeting again to inquire about the Boroughs interest in bidding the resurfacing of Stanford Road.

B. Protech Asphalt: The township is waiting for the detailed report.

C. Currie Road: The County of Butler is replacing and widening the bridge. Estimating start to begin in March and take approximately four months weather permitting. Rerouting traffic via Route 19.

D. COG Craftco: The dates that the road dept want to schedule for the craftco is not available through COG. A machine will be reserved through a local vendor. The material will be ordered through COG.

**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. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- C. Hardship Hookups: The application was received but not the agreement on Jan. 19<sup>th</sup>. Mr. Parson was to drop off the agreement by Jan. 23. This has not occurred. Mr. Saunders made a motion for the SEO to meet with Mr. Parson and explain the requirement of the application and agreement. Second by Mr. Jesteadt. All in favor. Motion carried.
- D. Township Building: Documents have been returned to the township by Mr. Sperdute. Mr. Saunders made a motion to request Northern Surveyors to complete the lot line revision application and plan for the two parcels on Stanford Road and to request the township engineer to prepare a land development plan for the construction of a new facility on Stanford Road. Second by Mr. Jesteadt. All in favor. Motion carried. Mr. Thompson reported that a LOMA is not required by FEMA. The township may not build within 50 feet of the edge of the stream bed. Because there is no hydraulic study, the township is to revert to the local flood management ordinance which dictates the set back.
- E. Hufnagel (Adams) Driveway Permit: Mr. Kerr will check on the Bloomfield School driveway. Mr. Flinner needs to follow up and investigate the Rock driveway to insure that debris is not washing out onto Flinner Road. Mrs. Adams was present and expressed her opinion regarding the enforcement of the driveway ordinance. Mrs. Adams provided Mrs. Livermore with a check in the amount of \$125.00 for the driveway permit application fee. Mrs. Livermore will contact the township engineer to determine compliance with the ordinance. Mr. Saunders made a motion to notify all identified property owners who have resurfaced driveways to complete the driveway application in accordance with the driveway ordinance. Second by Mr. Jesteadt. All in favor. Motion carried. Mr. Saunders made a motion to redact the last motion and to have the road department identify problem driveways to notify the property owner of the hazard that the driveway creates. Second by Mr. Jesteadt. All in favor. Motion carried.

### **NEW BUSINESS:**

- A. Auditor Position: The resident interested in the position was not present. No action taken.
- B. EMS Account: A checking account that was created by the EIT tax collector has an account balance of \$3166. There have been no statements received for this account for a minimum of 3 years and thus the township secretary/treasurer was not aware the account existed. There has been no activity on the account since December, 2006. A motion was made by Mr. Saunders to close the account and deposit the balance in the general fund noting that 25% of the fund is to be used for the worker's compensation for the Portersville and Muddy Creek Township Volunteer Fire Department. Second by Mr. Jesteadt. All in favor. Motion carried.
- C. Bank Signatory Cards: A motion was made by Mr. Saunders and second by Mr. Jesteadt to approve the agreement and signatory cards for the general fund, building fund, fire tax fund, highway aid and escrow accounts. All in favor. Motion carried.

- D. Notary: Mr. Saunders made a motion to approve for the secretary/treasurer to attend the upcoming notary training course in Butler at a cost not to exceed \$125.00. Second by Mr. Jesteadt. All in favor. Motion carried.
- E. 2011 Survey of Financial Condition: Motion to approve the 2011 survey of financial condition and forward to DCED made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- F. Bids and Quotes: Motion to bid paving for Sawyer Road and include the Borough portion as an alternate, bid diesel, and obtain telephone quotes for aggregate, oil and mowing made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- G. Resolution 2012-06 adopting the IOUE Local #66 union agreement made by Mr. Kerr. Second by Mr. Jesteadt. All in favor. Motion carried.
- H. Resolution 2012-05 identifying the conditions of withholding supervisor's pay for lack of attendance at monthly meetings made by Mr. Kerr. Second by Mr. Jesteadt. All in favor. Motion carried.

**SOLICITORS COMMENTS**: On February 14, 2012, the Governor adopted HB 1950 amending the Oil and Gas Act and imposing impact fees.

**SECRETARY'S COMMENTS**: None.

**PUBLIC COMMENT**: Mr. Stanford inquired about property on Stanford Road. The property owner is required to meet the sewage requirements and process the lot line revision in accordance with the subdivision and land development ordinance.

**EXECUTIVE SESSION**: At 8:31 PM a motion was made by Mr. Saunders to enter into executive session to discuss personnel issues. Second by Mr. Jesteadt. All in favor. Motion carried. At 8:34PM, a motion was made by Mr. Kerr to exit executive session. Second by Mr. Saunders. All in favor. Motion carried.

**ADJOURNMENT**: Motion by Mr. Saunders to adjourn at 8:34PM. Second by Mr. Jesteadt. All in favor. Motion carried.

## **MUDDY CREEK TOWNSHIP SUPERVISORS**

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

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

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

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

(Seal)