

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

October 16, 2013

7:00 PM

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:03 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mr. Robert Jesteadt, 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: Mr. Dean Gearhart, Mr. John Meyers, Mr. Rodney Dempsey, Mr. Dave DeSuta

MUDDY CREEK TOWNSHIP AGRICULTURAL SECURITY AREA: A motion was made by Mr. Kerr and seconded by Mr. Jesteadt at 7:04 PM to enter into the hearing for the ASA. All in favor. Motion carried. A motion was made by Mr. Kerr to adopt updated Muddy Creek Township ASA as presented. Second by Mr. Jesteadt. All in favor. Motion carried. A motion was made at 7:08 PM by Mr. Jesteadt to end the ASA hearing. Second by Mr. Saunders. All in favor. Motion carried.

A motion was made by Mr. Kerr to adopt Resolution 2013-09 "Resolution of the Muddy Creek Township Board of Supervisors adopting and approving Muddy Creek Township, Butler County, Pennsylvania Agricultural Security Area Proposal with additions and modifications". Second by Mr. Jesteadt. All in favor. Motion carried.

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 General Fund checks (10817-10867). Second by Mr. Jesteadt. All in favor. Motion carried.

MINUTES: Motion made by Mr. Saunders with a second by Mr. Jesteadt to adopt the September 18, 2013 meeting minutes. All in favor. Motion carried. Mr. Kerr abstained due to his absence at the September 18, 2013 meeting.

CORRESPONDENCE:

- A. US Bankruptcy Court: Rescheduled Chapter 11 Hearing for creditors. I have forwarded to Berkheimer. (Love: Stanford Road)
- B. PSATS: Roadmasters roundtable: The changing role of public works
- C. PSATS Township News: Legislative Updates: One area that I noted: There are two house bills addressing the redistribution of liquid fuels funds to the PSP. Reduces the municipalities liquid fuels distribution if it does not provide full time local police coverage. Reduction would be by per capita cost of the PSP coverage multiplied by population. This is before the House transportation committee. The second HB addressed the same but focuses on municipalities that have 5,000 residents or more. Another interesting piece of legislation: Contracting for state trooper services. Creates a permanent State Trooper Services Contractual Program which municipalities with no police force to contract with PSP at agreed upon hours and locations at a minimum cost of \$65/hr per trooper. This would not

count as part of the State police complement. This is before the senate law and justice committee.

- D. Butler County Planning Commission: Announces DCED Block Grant
- E. Harmony Acres Pet Crematorium and Memorial: Mr. Ackerman is working to get approval to locate the harmony Acres Pet Crematorium and memorial at 168 Stanford Road. He has applied for a DEP permit for Air Quality State Only Operating Permit. 30 day comment period.
- F. FEMA: Flood Plain DFIRM. Do we need to have another public meeting if our flood zones have not changed since the last one? Mr. Smith will investigate further to determine if the map has not changed whether additional notification is required.
- G. Armstrong Cable: ending analog service and replacing boxes with digital adapters.
- H. Prospect Community Library: August statistics
- I. DEP: GP-7 Minor Road Crossing Permit: North Country Trail installation of a pedestrian bridge along the North Country Trail across Muddy Creek within Moraine State Park.
- J. PSATS: Municipal Government Academy

PUBLIC COMMENT: None

COMMITTEE UPDATES:

- Planning Commission: DeSuta Final Land Development Plan. Mr. Desuta and Mr. Dempsey were present to present the final land development plan. A motion was made by Mr. Saunders to approve the plan upon approval of the BCPC and the noted conditions of the MCPC with approval for Mr. Kerr to sign outside of a meeting. Second by Mr. Jesteadt. All in favor. Motion carried.
- BCATO:
The fall convention is scheduled for October 23, 2013. Mr. Gramz has requested approval to attend the convention. A motion was made by Mr. Saunders to approve Mr. Gramz attendance at the convention at a cost of \$15.00. Second by Mr. Jesteadt. All in favor. Motion carried.

BCATO is preparing a resolution to request that billboards be taxable.
- COG:
No report.
- ACT 32 COMMITTEE:
No report.

ROAD DEPARTMENT REPORT:

- A. Badger Hill Road: The turnaround was completed. Glen did get approval from the park ranger.
- B. Guiderails: Having some difficulty obtaining quotes.

PERMITS ISSUED:

Driveway Permits:
117 Wallace Road (2)
105 Old Perry Highway

Kelner Way: Mr. Kelner completed the resurfacing of his driveway. He is working on the stormwater management plan with Tom Thompson.

Septic Permits:

DeSuta Holding Tank

Building Permits:

Darlene McClymonds requested an extension on her permit 16-2012 for a swimming pool. She has to install a barrier around the pool and relocate the electrical. She is requesting that if she closes and covers the pool and disconnects the electric, can she get approval to extend the permit to April 30, 2014 to comply with code. On a motion by Mr. Saunders and seconded by Mr. Jesteadt approving Mrs. McClymonds request to extend the permit to April 30, 2014. All in favor. Motion carried.

Jones (East Portersville Road): PCS issued a cease and desist for the building of walls and roof over a deck and basement entry.

Cease and Desist: A cease and desist order was issued to Jones (415 E. Portersville Road) for the construction of a deck, walls, windows and roof on the deck.

OLD BUSINESS:

- A. Indemnity Agreement for HOP: Motion to table made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- B. Letter to Sheriff Slupe: Sheriff Slupe called and wanted relayed to the Board that he was thankful to receive the letter acknowledging him for his work with the fireworks program.
- C. Oliver Small Flow: The Township is still waiting for Mrs. Oliver to return an executed copy of the agreement. DEP will not accept the application unless the agreement is included. Motion to table made by Mr. Kerr. Seconded by Mr. Saunders. All in favor. Motion carried.
- D. Gearhart Property: Mr. Gearhart apologized for not contacting the township prior to working on his property. He states that he is not putting any additional water on Wallace Road from the drain pipes and catch basin installed on his parcel. Mr. Gearhart installed a pipe and catch basin in the township's right of way and filled in the drainage ditch. Mr. Kerr stated that there was no permit issued, there was no stone installed or perforated pipe installed in the ditch. Mr. Saunders commented that the township will observe the situation at the location at the next substantial rain. Mr. Gearhart stated that he will do what is necessary to comply with the township requirements.

NEW BUSINESS:

- A. Township Newsletter: A motion to approve the printing of the Muddy Creek Messenger for distribution at the polling location was made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- B. Trick or Treat: A motion was made by Mr. Kerr to confirm that trick or treat will be scheduled for October 31, 2013 from 6:00 to 7:30 PM. Second by Mr. Saunders. All in favor. Motion carried.
- C. Insurance: Mr. Roche was at the township office to review township coverage. He anticipates no more than a 7% increase for the township.

D. Resolution 2013-10: Distribution of Funds from the Sale of the Dump Truck: A motion was made by Mr. Kerr to adopt Resolution 2013-10. Second by Mr. Saunders. All in favor. Motion carried.

SOLICITORS COMMENTS: None.

SECRETARY'S COMMENTS: None

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 8:08PM. Second by Mr. Jesteadt. All in favor. Motion carried.

MUDDY CREEK TOWNSHIP SUPERVISORS

Dale Kerr, Chairman

Eric "Rick" Saunders

Robert J. Jesteadt, Sr.

Kelly A. Livermore, Secretary/Treasurer

(Seal)