

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS
December 15, 2010
7:00 p.m.**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:04 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mrs. and Mr. Thomas Smith, Mrs. Kelly Livermore. 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. Peter Caruso and Mrs. Vivian Caruso.

TREASURER'S REPORT: Copies of the treasurer's report for the month ending November 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 November 17, 2010 minutes made by Mr. Saunders with the. Second by Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. PSATS: Annual Convention is scheduled for April 17-20, 2011
- B. BCATO: Membership for 2011 dues are \$35.00
- C. MESA: Letter of interested for engineering services in 2011
- D. IRS Mileage: The mileage for 2011 is .51.
- E. Department of Agriculture: Invitation to the Farm Show
- F. Berkheimer: Independent Audit performed
- G. Don Bucci: Administrative Office rental agreement for 2011. Motion to approve the rental agreement for 2011 made by Mr. Saunders and seconded by Mr. Kerr. All in favor. Motion carried.
- H. DCNR: Moriane Dam Notice
- I. Butler County Humane Society: Letter of Agreement for the acceptance of stray animals
- J. Thomas Smith: Letter of Interest for legal services in 2011.
- K. Butler County Department of Emergency Services: Storm Damage request.
- L. PCS: Letter of interest for Building Code Official services in 2011.
- M. Rodgers Insurance: 2011 Professional Liability and Workers Compensation and commercial property/automobile policy. Premium totals \$11,075. Motion to approve the Rodgers Insurance Renewal Policy made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

PUBLIC COMMENT:

None.

COMMITTEE UPDATES:

- A. Planning: Mrs. Slater has not accepted the appointment but wants to attend a meeting to see if she is interested. Mr. Hutchins has expressed interest in serving again on the commission with a term ending on December 31, 2010.
- B. Butler County Association of Township Officials: No meeting.
- C. Butler County Council of Governments: None
- D. Butler County Tax Collection Committee: None.

ROAD DEPARTMENT REPORT:

- A. Nate Nye: Motion by Mr. Kerr to table. Second by Mr. Saunders All in favor. Motion carried.
- B. Single Seal. The road department reported that the single seal application completed by Protech this year (August, 2010) is peeling. Mr. Knapko from Penn Dot has been contacted and has been attempting to schedule a time to get to Muddy Creek Township to inspect. Mrs. Livermore will follow up with a phone call to Protech informing them of the issue with the single seal and invite them to join Mr. Knapko when he inspects the roads.

OLD BUSINESS:

- A. Granny Flat Application (Bev Miller): The Board present does not feel that Mrs. Miller qualifies for the granny flat program. The SEO recommends that the septic tank be upgraded to a dual compartment, or another 1000 gallon tank be placed in front of the existing to create the dual compartment. The SEO did record that the current system did pass a dye test. Mrs. Miller can subdivide the property to add the mobile home requested and the board will assist with a temporary waiver of subdivision requirements to expedite the process. The SALDO will need to be completed by 12.31.11. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried. Mr. Smith will prepare a letter to Mrs. Miller identifying her options.
- B. Trash Collection Ordinance: Mrs. Livermore did ask other townships if there were any issues and those who replied to her request either were not aware of issues because the ordinance had been in place for a long period of time or reported not issues. Motion made by Mr. Kerr to table. Second by Mr. Saunders. All in favor. Motion carried.
- C. EIT Tax Audit: Mrs. Livermore is waiting for Slippery Rock to return the signature card. A motion made to approve the payment of the 04-05-06 claims totaling \$182,976.32 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. National Flood Insurance Rate Map/Project: Mr. Smith will review the ordinance provided by DCED and draft so that it meets the needs of Muddy Creek Township. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- E. Butler County Storm Water Management: DEP rejected the county's request to change the surface area to 10,000 sq feet. Awaiting a final draft of the ordinance from Butler County. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. Ordinance 63: The ordinance has been advertised with no comments from the public. Motion made by Mr. Saunders to adopt Ordinance 63 "AN ORDINANCE

ESTABLISHING WEIGHT LIMITS ON CERTAIN TOWNSHIP ROADS; REQUIRING WEIGHT LIMITS TO BE POSTED, IMPOSING RESTRICTION ON OVER POSTED WEIGHT MOTOR VEHICLES OPERATING UPON POSTED TOWNSHIP ROADS; EXEMPTING CERTAIN LOCAL TRAFFIC; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF OVER POSTED WEIGHT VEHICLES PERMIT; AND IMPOSING PENALTIES FOR VIOLATIONS"

Second by Mr. Kerr. All in favor. Motion carried. Motion by Mr. Saunders and seconded by Mr. Kerr to remove from agenda. All in favor. Motion carried.

- G. Seasonal Winter Position: Mr. Watson accepted the position. Motion by Mr. Saunders and seconded by Mr. Kerr to remove from agenda. All in favor. Motion carried.
- H. Flagger Training: No training available until 2011. Motion by Mr. Saunders and seconded by Mr. Kerr to remove from agenda. All in favor. Motion carried.
- I. Health Insurance: Mr. Cord has requested that the contract be open for negotiations of the health care. Mrs. Livermore will schedule the meeting.
- J. Septic Testing/Site Location: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- K. Portersville Borough Winter Maintenance Agreement: Received with an addendum to perform winter maintenance of the borough extension plus the new fire department parking lot/driveway. Motion by Mr. Saunders to approve the agreement with addendum. Second by Mr. Kerr. All in favor. Motion carried.
- L. 2011 Budget: Motion to adopt resolution 2010-10 "A RESOLUTION OF THE BOARD OF SUPERVISORS ADOPTING THE FISCAL YEAR 2011 BUDGET" made by Mr. Saunders and seconded by Mr. Kerr. All in favor. Motion carried.

Motion to adopt resolution 2010-11 "A RESOLUTION OF THE BOARD OF SUPERVISORS FIXING LOCAL TAX RATES FOR 2011" made by Mr. Saunders and seconded by Mr. Kerr. All in favor. Motion carried.

NEW BUSINESS:

- A. 2009 Audit: Mrs. Vivian Caruso presented the Board of Supervisors with the Audit Report for the Muddy Creek Township funds for the calendar year of 2010. Mr. Kerr made a motion to accept the 7.29.2010 draft audit report. Second by Mr. Saunders. All in favor. Motion to approve the signature of the audit letters to Caruso and Caruso made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- B. 2011 Meeting Schedule: Motion to approve for the advertisement of the 2011 meetings to be held on the third Wednesday of each month at the Muddy Creek BBQ with the organizational meeting being scheduled for January 3, 2011 at 7:00 PM made by Mr. Saunders. Second motion made by Mr. Kerr. All in favor. Motion carried.
- C. 2011 Auditors Meeting: Motion to approve the advertisement of the 2011 Auditors meeting for January 4, 2011 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Department of Corrections Community Work: Mrs. Livermore spoke with a representative from the State Correctional Institution at Mercer about the community work crew who can sand blast and paint the equipment as well as paint the maintenance garage. The cost of the project would be material costs. The crew is supervised by DOC employees. On a motion by Mr. Saunders and seconded by Mr. Kerr, Mrs. Livermore is approved to complete an application only for the painting of the building. All in favor. Motion carried.
- E. PA State Police: Lt. Hill will be present at the January meeting to provide information on Butler and area statistics.

- F. Nastasi SFTF Agreement: The agreement has not been recorded. A 2006 updated agreement should be sent to Mr. Nastasi for signature and returned for township signature. Approval for Mr. Kerr to sign the agreement outside the meeting made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Tree Trimming: Quotes were received for tree trimming services on Kirk, Bauder School, and Bloomfield School Roads.

| | |
|---|-------------|
| <u>Just Hangin Around Tree Service:</u> | \$9,875.00 |
| <u>Richardson Tree and Landscape Co.:</u> | \$14,250.00 |
| <u>Adler Tree Service:</u> | \$16,500.00 |

 A motion was made by Mr. Saunders to approve the agreement with Just Hangin Around Tree Service in the amount of \$9,875.00. Second by Mr. Kerr. All in favor. Motion carried.
- H. Bids for Aggregate: Bids will be approved at the January Meeting.
- I. Schaeffer Holding Tank Agreement: Mr. Kerr motioned to send a letter to Mr. Schaeffer informing him that the holding tank agreement which has not been recorded as of this date is null and void. If Mr. Schaeffer does not respond to the letter by 1/17/11, the agreement will be revoked.

SOLICITORS COMMENTS: None.

SECRETARY'S COMMENTS: Mrs. Livermore received several phone calls from the state police barracks regarding snow build up on the red lights at the I-79/Route 422 interchange. She contacted Bronder to investigate the situation. Bronder did remove the snow and reported no other issues. Mrs. Livermore informed the board that no letters have been issued for the reapplication requirement for the granny flat applications. Mrs. Livermore will be sending the letter out in January to comply with the ordinance.

A motion was made at 8:42PM by Mr. Kerr to enter into executive session to discuss union negotiations. Motion second made by Mr. Saunders. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 8:48 PM, 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)