

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS
September 14, 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. 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 in use.

VISITORS: Larry Coble, Pat Moore, Frank Smith, Annette Sudano, Bob Badger, Audrey Badger, Eileen Adams, Dale Schreffler, Mark Beacom.

TREASURER'S REPORT/FINANCIAL STATEMENT: Motion made by Mr. Saunders to pay the bills presented. Second by Mr. Kerr. All in favor. Motion carried. Mrs. Livermore presented Highway Aid Bank Account Reconciliation reports for January through August, 2009. Mr. Gramz made a motion to open the current budget for correction. No second motion. Motion dies.

MINUTES: The August 24, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Kerr. All in favor. Motion carried. Mrs. Livermore requested a motion to amend the August 10, 2009 minutes to reflect that the July 27, 2009 minutes were approved during the meeting. Motion to correct the minutes of August 10, 2009 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

DIESEL FUEL BID:

Bids for diesel fuel were received by Glassmere.

Option A: 02219 over wholesale'

Option B: No bid

Mr. Saunders motion to reject bids due to quote not financially feasible for the township. Second by Mr. Kerr. All in favor. Motion carried.

CORRESPONDENCE:

- A. Butler County Association of Township Officials Fall Convention
- B. County of Butler Comprehensive Annual Financial Report is available in the secretary's office.
- C. PCS – UCC Appeals Board. PCS will not serve violation notices until an appeals board is identified.
- D. Adams/Schreffler Request for a 90 extension on subdivision application.

PUBLIC COMMENT: None

PLANNING COMMISSION REPORT:

Mr. Schreffler and Ms. Adams were present to request two waivers on their application. Mr. Saunders made a motion to grant two waivers (2 foot contour requirement and the identification of a second on lot system on the Adams property) to the Schreffler/Adams lot line revision application. Motion seconded by Mr. Kerr. Mr. Gramz opposed the motion. Motion carried.

Mr. Saunders motioned to approve the Schreffler/Adams plan with the waiver language appearing on the Mylar and can be signed at the office. Second by Mr. Kerr. Mr. Gramz opposed the motion. Motion carried.

ROAD DEPARTMENT REPORT:

Mr. Kerr reported that the Road Department ordered a stock for the stock pile. The seasonal worker position needs to be terminated. Termination date will be discussed at the next scheduled meeting. Mr. Gramz requested a project report for the work completed at the building i.e. catch basin, pipe, fence. Labor costs should be included. Mrs. Livermore will work on compiling the necessary information. Mr. Gramz requested a formal project report on any projects completed which identifies the funding source.

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. Kerr, second by Mr. Saunders. All in favor. Motion carried.
- C. Schaffer Property: Mrs. Livermore reported that in accordance with PCS, John Nath, the citation has been withdrawn with the noted that there are constable fees. Motion to remove from agenda made by Mr. Saunders. Second by Mr. Kerr. All in favor.
- D. UCC Appeals Board: Mr. Smith reported that Lancaster Township has agreed to a joint UCC Appeals Board with conditions. Mr. Smith will prepare an agreement for the joint board as well as the ordinance appointing a joint UCC Appeals Board. Mr. Saunders motioned to appoint the Lancaster Township UCC Appeals Board to jointly serve as the Muddy Creek Township UCC Appeals Board. Motion seconded by Mr. Kerr. All in favor. Motion carried.
- E. UCC Permits (Pools): Motion by Mr. Saunders to remove from the agenda. Second by Mr. Kerr. Mr. Gramz opposes. Motion carries.
- F. Holding Tank Maintenance Agreement: Motion made by Mr. Saunders to adopt the Holding Tank Maintenance Agreement. Second by Mr. Gramz. All in favor. Motion carried. Motion by Mr. Saunders to remove from the agenda. Second by Mr. Kerr. All in favor. Motion carried.
- G. 2010 Budget: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

NEW BUSINESS:

- A. Verizon Wireless: Mrs. Livermore presented a proposal from Verizon Wireless to provide cellular service to Muddy Creek Township. Motion by Mr. Saunders to approve the agreement with Verizon for three phones. Second by Mr. Kerr. All in favor. Motion carried.
- B. Trick or Treat: Motion made by Mr. Kerr to schedule trick or treat for Muddy Creek Township on October 31, 2009 from 6:00 to 7:30 PM. Second by Mr. Saunders. All in favor. Motion carried.
- C. Purchasing Policy: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Extension Request: Motion to approve the 90 day request made by Mrs. Adams for the Adams/Schreffler plan made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- E. Fuel Log: The fuel log will be provided to the Road Department for record keeping of fuel use.
- F. EIT Collection: Mr. Saunders reported that Muddy Creek Township will have .60% vote on the tax collection committee.

Motion by Mr. Kerr to enter into executive session for litigation discussion made at 8:40 PM. Second by Mr. Saunders. All in favor. Motion carried.

Motion by Mr. Kerr to end executive session made at 8:50 PM. Second by Mr. Saunders. All in favor. Motion carried.

Motion made by Mr. Saunders for Caruso and Caruso to respond to the Hartford Insurance request. Upon completion of the request, the District Attorneys impact statement will be completed. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: None.

SECRETARY COMMENTS: None

ADJOURNMENT: Motion by Mr. Kerr at 8:55 PM to adjourn, second Mr. Saunders. 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
September 28, 2009
7:00 p.m.**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order by Mr. Kerr at 7:05 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.

VISITORS: Pat Moore, Janet Hudack, Bernie Hudack, Frank Smith, John Depto, Paulette Depto, Joanne Chvala, Jim Chvala, Audrey Badger, Bob Badger, Annette Sudano, Larry Coble, Bill Stanle, Peg Brenneman.

TREASURER'S REPORT/FINANCIAL STATEMENT: Motion made by Mr. Saunders to pay the bills presented. Second by Mr. Kerr. All in favor. Motion carried.

MINUTES: The September 14, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Kerr. All in favor. Motion carried

CORRESPONDENCE:

- A. Simpson McCrady requests information to update insurance information to provide quote for 2010.
- B. Maher Duessel: An agreement was presented for the audit of the Earned Income Tax records prior to the Keystone Services Contract. The township needs to complete an audit of EMS tax which is not a part of the Maher Duessel Audit. Motion by Dale to approve the agreement. Second by Mr. Saunders. All in favor. Motion carried.

PUBLIC COMMENT:

John Depto from Guillard Road requested for the cleanup of the road which resulted in the recent ditching/berming of Guillard Road. Mr. Kerr will have the Road Department investigate the complaint.

Bernie Hudak asked about UCC. He also claimed to hear rumors that Muddy Creek Township and Lancaster Township's were planning to merge. These are false rumors.

PLANNING COMMISSION REPORT:

Shreffler Plan:

Mr. Gramz questioned how the modifications approved at the September 14, 2009 meeting were presented. Mr. Gramz questioned the validity of the hardship due to cost as a reason to approve a waiver. Mr. Smith confirmed his legal opinion that the Board of Supervisors' approval of the lot line modification is sound and appropriate.

ROAD DEPARTMENT REPORT:

The three year plan was presented. The Road Department currently is working on ditching and berming. The meter for the fuel tank is not operable. It will cost approximately \$800.00 to replace the meter. The roof at the building is leaking. The roof panel and header board need replaced. Prices will be obtained for the repair of the roof.

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. Kerr. All in favor. Motion carried.
- C. 2010 Budget Calendar: Sept. 30 Prep Sheets to the Board, October 12 Revenue Projections and Expenditures to Secretary, October 26 Budget Workshop, November 9 Budget Workshop, December 7 Budget Advertisement/Public Display, December 14 Public Comment, December 28 Adopt Budget/Tax Resolution.
- D. UCC Appeals Board: Motion to adopt Ordinance 62 known as UCC Joint Appeals Board was made by Mr. Kerr. Second by Mr. Gramz. All in favor. Motion carried.

NEW BUSINESS:

- A. Sewer System Bonding Requirements: Mr. Smith advised that the township should not release a bond until a second bond or cash bond is received. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- B. Intergovernmental Agreement with Portersville Borough/Muddy Creek Township: An ordinance is needed which identifies the work that will be performed. A boiler plate agreement can be obtained from Penn Dot. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- C. Levis Road: Log Trucks are damaging the road. A motion was made by Mr. Saunders to contact the township engineer to get costs for core sampling the road in addition to other roads with similar weight restriction needs. Second by Mr. Kerr. All in favor. Motion carried.
- D. Keystone Municipal Services – Complaints. The township has received multiple complaints about past year refunds and in particular 2006. The Board should send a letter on behalf of the resident requesting information and/or refund be processed within 30 days provided the resident submitted the required forms. Mr. Gramz would like something posted on the township website providing direction for refunds. Mrs. Livermore was requested to obtain quotes for tax collection services for 2010 and 2011.

Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

- E. Cheryl Johnson- Garbage request: Ms. Johnson leases her property to a tenant who cancelled garbage collection service and has trash collecting outside of her dwelling. A letter will be sent to the tenant as well as the property owner that the collection of trash is in violation of Township Ordinance 41.

Motion by Mr. Kerr to enter into executive session for personnel discussion made at 8:45 PM. Second by Mr. Saunders. All in favor. Motion carried.

Motion by Mr. Kerr to end executive session made at 9:15 PM. Second by Mr. Saunders. All in favor. Motion carried.

Motion made by Mr. Saunders for the seasonal position workers hours to be adjusted effective 10/5/09 until 11/15/09 to 20 hours per week not to exceed 40 hours per pay period to be scheduled at the discretion of the Road Foreman. Effective 11/16/09, the position will be terminated. Motion second by Mr. Kerr. All in favor. Motion carried.

Motion made by Mr. Saunders for the approval of the road department to rent a craftco machine and the sealant to complete their 2009 road work. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: None.

SECRETARY COMMENTS: None

ADJOURNMENT: Motion by Mr. Saunders at 9:30 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)