

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

March 20, 2013

7:00 PM

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:06 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Rick Saunders, Mr. Kerr, and Mrs. Kelly Livermore. Mr. Jesteadt and Mr. Smith were 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. Ralph Talabe, Mr. Gordon Taylor, Mr. Bill Braun, Mrs. Doris James, Mr. Gary James, Mr. Scott Wiest.

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

ADMINISTRATIVE ACTION (Invoices): Motion made by Mr. Saunders to pay the bills General Fund checks 10596-10629. Highway Aid 714-715. Building Fund 1024. Second by Mr. Kerr. All in favor. Motion carried.

MINUTES: Motion made by Mr. Saunders with a second by Mr. Kerr to adopt the February 20, 2013, minutes. All in favor. Motion carried.

RATIFICATION OF ACTION: Mr. Saunders made a motion with a second to the motion by Mr. Kerr to approve the Tree Trimming Agreement with Just Hangin Around Tree Services for tree trimming on Bauder School Road in the amount of \$8,900 which includes the removal of the tree on the corner of Pfeifer and Bauder School Road. All in favor. Motion carried.

A motion was made by Mr. Saunders and seconded by Mr. Kerr to approve the First National Bank Loan Papers on February 28, 2013 for the financing of the Freightliner. All in favor. Motion carried.

BIDS: SINGLE SEAL: A motion was made by Mr. Saunders and seconded by Mr. Kerr to award the Single Seal contract to Suit Kote pending receipt of all required bid documents. All in favor. Motion carried.

CONTRACTOR	ADDRESS	SRL G	SRL L	TOTAL
Glenn O. Hawbaker	Hawbaker Industrial Blvd Grove City, PA 16127	59,073.63	18,704.14	77,777.77
Youngblood Paving	2516 State Route 18 Wampum, PA 16157	44,137.50	13,773.76	57,911.26
Suit Kote	10365 McHenry Meadville, PA 16335	43,035.83	13,626.18	56,662.01
Russell Standard	PO Box 802 Mars PA 16046	48,056.91	13,460.72	61,517.63
Midland	225 Columbia Mall Drive Box 58 Bloomsburg, PA 17815	64,087.65	24,204.70	88,295.35

WEST PARK ROAD PAVING: A motion was made by Mr. Saunders and seconded by Mr. Kerr to reject the bid submitted by East Coast Paving due to not meeting the bid requirements to meet with a representative from the Municipality prior to bidding. All in favor. Motion carried.
 A motion was made by Mr. Saunders and seconded by Mr. Kerr to award the West Park Road Paving project to Youngblood Paving pending the receipt of all required bid documents. All in favor. Motion carried.

CONTRACTOR	ADDRESS	BID
Glenn O. Hawbaker	Hawbaker Industrial Blvd Grove City, PA 16127	32,886.60
Lindy Paving	1807 Shenango Road New Galilee, PA 16141	29,028.00
Voelker Paving, Inc.	140 Eagle Mill Road Butler, PA 16001	27,896.70
Sharon Paving and Construction Co. Inc.	100 Canal Street Sharpsville, PA 16150	25,134.00
Youngblood Paving	2516 State Route 18 Wampum, PA 16157	23,718.00
Wiest Asphalt and Paving	310 Mitchell Hill Road Butler, PA 16002	24,277.32
East Coast Paving and Sealcoating	208 3 rd Street New Castle, PA 16102	23,434.00
Russell Standard	PO Box 802 Mars, PA 16046	34,607.04

AGGREGATE: A motion was made by Mr. Saunders and seconded by Mr. Kerr to award the aggregate contract to McClymonds Supply and Transit pending the receipt of required bid documents. All in favor. Motion carried.

CONTRACTOR	ADDRESS	#2a	#3	#3b	#8	SAND
McClymonds Supply and Transit	Currie Road Box 296 Portersville, Pa 16051	15.11	15.61	11.93	18.11	14.36
Amerikohl	1384 State Route 711 Stahlstown, PA 15687	16.16	16.16			

OIL: A motion was made by Mr. Saunders and seconded by Mr. Kerr to award the Oil contract to Russell Standard with the note that the township will obtain samples of all deliveries and pending the receipt of required bid documents. All in favor. Motion carried.

CONTRACTOR	ADDRESS	E3	MC 70
Glenn O. Hawbaker	Hawbaker Industrial Blvd Grove City, PA 16127	2.222	3.737
Midland	225 Columbia Mall Drive Box 58 Bloomsburg, PA 17815	2.41	3.82
Youngblood Paving	2516 State Route 18 Wampum, PA 16157	2.21	3.85
Suit Kote	10965 McHenry Street Meadville, PA 16335	2.37	3.68
Russell Standard	PO Box 802 Mars, PA 16046	2.153	3.536

DIESEL: A motion was made by Mr. Saunders and seconded by Mr. Kerr to award the Diesel contract to Reed Oil pending the receipt of all required bid documents. All in favor. Motion carried.

CONTRACTOR	ADDRESS	COST MARK UP	GUARANTEED PRICE
Reed Oil	511 Montgomery Ave New Castle, PA 16102	.065 over OPIS Ave. .03 winter additive	

CORRESPONDENCE:

- A. Gary James (514 Stone Church Road): Requests a variance to Ordinance 50 authorizing him to have a second driveway on his property. After discussion, a motion was made by Mr. Saunders to deny a variance for a driveway for logging trucks. Second by Mr. Kerr. All in favor. Motion carried.
- B. Local 66: 2012 Contribution: Several discrepancies were noted on the Local 66 audit of the 2% contribution funds.
- C. Pa Department of the Auditor General: Notice of receipt of the Pension monies returned.
- D. PennDot: Notice of Payment for 2013 (\$86,930.71).
- E. Wells Fargo: Notice to Lien holders: Sale of Property on Stanford Road.
- F. Legal Ad: The 2012 Audit Legal Ad was submitted and a proof of publish was received.
- G. Prospect Library: Monthly statistics
- H. Shell: DEP permit Worth Drake Well: Marcellus an Burket Shale
- I. Rex Energy: DEP permit Perry Township: Upper Devonian Shale
- J. SAI: Incident Management plan for I79 construction.

PUBLIC COMMENT: Mr. Braun and Mr. Taylor from Senate Engineering were present to introduce themselves and gave a brief overview of the Senate Engineering firm.

COMMITTEE UPDATES:

- Planning Commission:
2012 Annual Report was presented. No March meeting due to lack of agenda items.
- BCATO:
The committee is working on the upcoming spring conference.
- COG:
Mr. Jesteadt provided a report to Mrs. Livermore. The last COG meeting provided an update on the COG insurance and the savings to municipalities. The Prospect Water Authority joined COG. Rex energy will be invited to attend a meeting to provide an update on gas drilling.
- ACT 32 COMMITTEE:
No report.

ROAD DEPARTMENT REPORT:

- A. Protech Asphalt: Executive Session.
- B. Flagger Training: Mr. Saunders can provide the mandated training to the road department. Motion to table made by Mr. Saunders and seconded by Mr. Kerr. All in favor. Motion carried.
- C. Red Truck: The road department has requested to sell the truck after delivery of the new truck.
- D. Broken Windshield: A report of a broken windshield was reviewed. A claim was filed with the insurance company. Mrs. Livermore will contact the insurance company to request any incident forms that can be used in the future.

OLD BUSINESS:

- A. Indemnity Agreement for HOP: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- B. Sewage and Assessment Permit Ordinances: Mrs. Livermore will continue to meet with Mr. Smith on reviewing the ordinances. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- C. Yellow Creek Road: The signs were installed. Motion to remove from the agenda made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Freightliner: Delivery expected this week.
- E. Prospect Multi Municipal Authority: No report. Meetings are being held and the board is not being included or informed of the meetings.
- F. Construction Trailers: Requirements for septic permits for holding tanks. Mr. Duncan is still working with DEP to obtain a final decision. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Ag Securities: Mr. Jesteadt is working to identify a committee. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

NEW BUSINESS:

- A. EIT Funds: Mrs. Livermore was contacted by Mr. Cessar regarding the funds in the EIT account. A motion was made by Mr. Saunders that the original offer to split the funds in the bank 50/50 with an agreement if any claims are received, that the payment of the claim will be split equally between the township and the school district. Second by Mr. Kerr. All in favor. Motion carried.
- B. Donation: Mr. Saunders made a motion to donate \$100.00 to the Rainbow Animal Refuge in memory of Paige Organ. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: Not Present

SECRETARY'S COMMENTS: None

EXECUTIVE SESSION: A motion to enter into executive session at 8:14 PM to discuss legal issues was made by Mr. Kerr. Second motion by Mr. Saunders. All in favor. Motion carried. A motion to exit executive session was made at 8:16 PM by Mr. Kerr and seconded by Mr. Saunders. All in favor. Motion carried.

A motion was made by Mr. Saunders to accept the offer made by Old Republic Surety Company to settle the bond claim (Protech Asphalt) in the amount of \$17,768.50. Second by Mr. Kerr. All in favor. Motion carried.

A motion was made by Mr. Saunders and seconded by Mr. Kerr to extend the Over Posted Weight Permit for Rex Energy on Cheeseman Road for one year to expire March 28, 2014. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 8:38 PM. Second by Mr. Kerr. All in favor. Motion carried.

MUDDY CREEK TOWNSHIP SUPERVISORS

Dale Kerr, Chairman

Rick Saunders

Robert J. Jesteadt, Sr.

Kelly A. Livermore, Secretary/Treasurer

(Seal)