

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS  
ORGANIZATIONAL MEETING  
January 7, 2013  
1:30 p.m.**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors Organizational Meeting was called to order by Mr. Saunders at 1:36 p.m.

**CHAIRPERSON PROTEM:** Motion to appoint Mr. Kerr as Protem Chairperson made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.

**RECODING SECRETARY PROTEM:** Motion to appoint Mrs. Livermore as protem secretary made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Robert Jesteadt, Sr. and Mrs. Kelly Livermore.

**PLEDGE OF ALLEGIENCE:** The pledge of allegiance was recited.

**CHAIRPERSON:** Motion by Mr. Saunders to nominate Mr. Kerr as Board of Supervisors Chair for 2013, second Mr. Jesteadt. All in favor. Motion carried.

**VICE-CHAIRPERSON:** Motion by Mr. Jesteadt to nominate Mr. Saunders, second Mr. Kerr. All in favor. Motion carried.

**SECRETARY/TREASURER/PERMIT ISSUANCE OFFICER:** Motion by Mr. Kerr to appoint Mrs. Livermore as Secretary/Treasurer and Permit Issuance Officer, second Mr. Jesteadt. All in favor. Motion carried.

**LOCAL TAX RATES FOR 2013 RESOLUTION 2013-01:** A motion was made by Mr. Kerr to adopt Resolution 2013-01. Second by Mr. Saunders. All in favor. Motion carried.

**WAGE AND SALARY RESOLUTION 2013-02:** Motion by Mr. Saunders to adopt Resolution 2013-02. Second by Mr. Jesteadt. All in favor. Motion carried.

**TREASURER'S BOND:** Motion by Mr. Kerr establishing the bond amount at \$300,000.00 for the year 2013, second by Mr. Saunders. All in favor. Motion carried.

**ROADMASTER:** Motion by Mr. Saunders to appoint Chairman, Dale Kerr, to share the duties of road master. Second by Mr. Jesteadt. All in favor. Motion carried.

**ROAD FOREMAN:** Motion by Mr. Kerr appointing Glen Hempfling as Road Foreman effective January 1, 2013. Second by Mr. Saunders. All in favor. Motion carried.

**VACANCY BOARD:** Motion by Mr. Kerr to appoint Mr. Robert Ondo to the vacancy board. Second by Mr. Saunders. All in favor. Motion carried.

**BCATO REPRESENTATIVE:** Motion made by Mr. Kerr to appoint Mrs. Livermore as the township's representative at the Butler County Association of Township Officials. Second by Mr. Saunders. All in favor. Motion carried.

**BUTLER COUNTY COUNCIL OF GOVERNMENTS:** Motion made by Mr. Kerr to appoint Mr. Jesteadt as the township's representative at the Butler County Council of Governments. Second by Mr. Saunders. All in favor. Motion carried.

**DEPOSITORY:** Motion by Mr. Kerr selecting First National Bank for the Township's accounts, second by Mr. Jesteadt. All in favor. Motion carried.

**2013 MEETING SCHEDULE:** Motion by Mr. Kerr to schedule monthly meetings of the Board of Supervisors on the third Wednesday of each month at 7:00 PM at the Muddy Creek BBQ. Second Mr. Jesteadt. All in favor. Motion carried.

**NEWSPAPER PUBLICATIONS:** Motion by Mr. Kerr designating The Butler Eagle, second by Mr. Jesteadt. All in favor. Motion carried.

**PLANNING APPOINTMENT/REAPPOINTMENTS:** Mr. Kerr made a motion to  
Appoint Mr. Sean Gramz to a five year term ending on December 31, 2017.  
Appoint Mr. Gary Hite to a three year term as alternate ending on December 31, 2015.  
Appoint Mr. Larry Coble to a one year term as alternate ending on December 31, 2013.  
Reappoint Ms. Cindy Hinkle with a term expiration December 31, 2016  
Reappoint Mr. Don Hutchins with a term expiration December 31, 2015

**TOWNSHIP AUDITORS:** One vacancy

**STATE CONVENTION DELEGATE:** Motion made certifying Mr. Dale Kerr as delegate to the 2013 State Convention made by Mr. Jesteadt. Second by Mr. Saunders. All in favor. Motion carried.

**STATE CONVENTION VOTING DELEGATE:** Motion certifying Mr. Dale Kerr as the voting delegate to the 2013 State Convention made by Mr. Jesteadt. Second by Mr. Saunders. All in favor. Motion carried

**2013 MILEAGE REIMBURSEMENT:** Motion by Mr. Kerr setting rate by IRS (.565/mile) second Mr. Jesteadt. All in favor. Motion carried.

**FEE SCHEDULE:** Motion by Mr. Kerr to adopt Resolution #2013-03 setting the Township's 2013 Fee Schedule, second by Mr. Saunders. All in favor. Motion carried.

**HOLIDAY FOR NON-UNION EMPLOYEES:** Motion by Mr. Kerr setting the holiday as follows: News Years Day, Christmas Day, Thanksgiving Day, Veteran's Day, Memorial Day, Labor Day, and the 4th of July, excluding part time Non –union and seasonal employees, second Mr. Saunders. All in favor. Motion carried.

**SEWAGE ENFORCEMENT OFFICER:** Motion by Mr. Kerr to appoint Doug Duncan as primary Sewage Enforcement Officer, second Mr. Kerr. Second by Mr. Jesteadt. All in favor. Motion carried.

**ALTERNATE SEWAGE ENFORCEMENT OFFICER:** Motion by Mr. Kerr to appoint David Ice as alternate sewage enforcement officer. Second by Mr. Saunders. Motion carried.

**BUILDING CODE ENFORCEMENT AGENCY:** Motion by Mr. Kerr to adopt resolution #2012-03 appointing Professional Code Services as the Building Code Official and Inspection Agency. Second Mr. Saunders. All in favor. Motion carried.

**SOLICITOR:** Motion by Mr. Kerr to appoint Mr. Thomas L. Smith, second by Mr. Saunders. All in favor. Motion carried.

**ENGINEER:** Motion by Mr. Kerr to appoint Gannett Fleming as the engineer, second by Mr. Saunders. All in favor. Motion carried.

**ALTERNATE ENGINEER:** Motion by Mr. Kerr to appoint Senate Engineering as the alternate engineer, second by Mr. Saunders. All in favor. Motion carried.

**CERTIFIED PUBLIC ACCOUNTANTS:** Motion by Mr. Kerr to adopt Resolution #2013-05 appointing the Firm of Caruso & Caruso, PC to perform the 2012 Annual Financial Audit at a cost not to exceed \$4500.00, second Mr. Jesteadt. All in favor. Motion carried.

**REAL ESTATE TRANSFER TAX COLLECTOR:** Motion by Mr. Kerr reappointing Butler County Recorder of Deeds, second by Mr. Jesteadt. All in favor. Motion carried.

**EARNED INCOME TAX/ LOCAL SERVICES TAX COLLECTOR:** Motion by Mr. Kerr to appoint Berkheimer Tax Administrator to collect the Current and Delinquent Local Services Tax and the current and delinquent Earned Income Tax. Second by Mr. Saunders. All in favor. Motion carried.

**FIRE DEPARTMENT:** Motion made by Mr. Kerr to appoint Portersville-Muddy Creek Township Volunteer Fire Department as the Muddy Creek Township Fire Company/Emergency Service. Second by Mr. Jesteadt. All in favor. Motion carried.

**EMA COORDINATOR:** Motion by Mr. Kerr to appoint Mr. Vaughn Badger, if he accepts, second Mr. Saunders. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Kerr at 1:50 p.m. to adjourn, second Mr. Jesteadt. All in favor.  
Motion carried.

**MUDDY CREEK TOWNSHIP SUPERVISORS**

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Dale R. Kerr, Chair

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Eric Saunders, Vice Chair

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Robert J. Jesteadt, Supervisor

ATTEST:

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Kelly Livermore  
Secretary/Treasurer

(Seal)

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS  
January 16, 2013  
7:00 PM**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order at 7:00 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

**ROLL CALL:** Those present included Mr. Rick Saunders, Mr. Robert Jesteadt, Sr., Mr. Kerr, 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:** None

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

**ADMINISTRATIVE ACTION (Invoices):** Motion made by Mr. Kerr to pay the bills. Second by Mr. Jesteadt. All in favor. Motion carried.

**MINUTES:** Motion made by Mr. Kerr with a second by Mr. Jesteadt to adopt the December 19, 2012 minutes. All in favor. Motion carried. Motion made by Mr. Kerr with a second by Mr. Jesteadt to adopt the January 7, 2013 meeting minutes. All in favor. Motion carried.

**CORRESPONDENCE:**

Chuck Smith: Interest in the SEO appointment for 2013

2011 Audit Report: Caruso and Caruso submitted the final 2011 Audit report. A copy was provided to each supervisor.

2013 Audit Agreement: A motion was made by Mr. Kerr to approve the agreement with Caruso and Caruso, PC for the audit of 2013. Second by Mr. Jesteadt. All in favor. Motion carried.

2013 Engineer Agreement: A motion was made by Mr. Kerr to approve the agreement with Gannett Fleming for 2013 engineering services. Second by Mr. Jesteadt. All in favor. Motion carried.

Brotherhood Mutual Insurance: Portersville Christian School Light Insurance (8.1.11-8.1.14). Muddy Creek Township is listed as additional insured.

EMC: Letter sent to Edgar Snyder.

LGA: Municipal Intern Grant. A motion was made by Mr. Saunders and seconded by Mr. Jesteadt to submit the grant application for an intern. All in favor. Motion carried.

Prospect Multi Municipal Sewer Authority Meeting: scheduled for January 16, 2013.

FNB: Collateral Letter

DCED: Increase in bidding limits to \$18,900 and quotes to \$10,200.

LGA: Course for potential candidates.

**PUBLIC COMMENT:** No public.

## **COMMITTEE UPDATES:**

- Planning Commission:  
LaChance Plan: A motion was made by Mr. Saunders to waive the secondary site requirement for the house. Second by Mr. Jesteadt. All in favor. Motion carried.
- BCATO:  
January meeting cancelled.
- COG:  
Marcellus Shale meeting at BC3 is scheduled for March 5, 2013.
- ACT 32 COMMITTEE:  
No report.

## **ROAD DEPARTMENT REPORT:**

- A. Protech Asphalt: Waiting for a counter offer.
- B. Flagger Training: Mr. Saunders can provide the mandated training to the road department.
- C. Porter Road: Mr. Porter requested that Porter Road be maintained by township. This is being done.

## **OLD BUSINESS:**

- A. Flood Management Ordinance: Mrs. Livermore contacted FEMA regarding a release date for the FIRM. Mr. Bollinger emailed that the Butler County FIRM would not be released until May, 2014. The township could use the updated map if the township and the county have received no appeals. A motion was made by Mr. Saunders and second by Mr. Jesteadt to use the current updated flood map that FEMA has provided IF the county has received no appeals. Mrs. Oliver can then apply for her building permit. Second by Mr. Jesteadt. All in favor. Motion carried.
- B. Indemnity Agreement for HOP: Motion to table made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- C. Sewage and Assessment Permit Ordinances: Mrs. Livermore will continue to meet with Mr. Smith on reviewing the ordinances. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- D. Yellow Creek Road: Mr. Saunders made a motion to send a letter to the property owners requesting a guide rail that no guide rail will be installed due to adequate area to install. Second by Mr. Jesteadt. All in favor. Motion carried.
- E. Cell Phone Policy: Waiting for union review and approval. Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- F. John Brown Trucking Signage Request: Mr. Kerr and Mr. Jesteadt met with representatives from Penn dot. Penn Dot has withdrawn the signage permit application and will paint lines to more visibly show turning lanes. The lines will be painted this spring/summer.
- G. Non Resident EIT: A motion to maintain the township 1% nonresident EIT was made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Ordinance 66: Joint UCC Appeals Board. A motion was made by Mr. Saunders to adopt Ordinance 66. Second by Mr. Jesteadt. All in favor. Motion carried.
- B. Joint UCC Agreement: A motion was made by Mr. Kerr to adopt the agreement with Lancaster Township for the Joint UCC Appeals Board. Second by Mr. Saunders. All in favor. Motion carried.
- C. W-2's: A motion was made by Mr. Saunders to distribute the W-2s. Second by Mr. Jesteadt. All in favor. Motion carried.
- D. Rex Energy: Two gas wells will be installed on the Jullian property in Muddy Creek Township (Yellow Creek Road).
- E. Statement of Financial Condition: Motion to approve the Statement of Financial Condition made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. Road Worker Probation: A motion was made by Mr. Saunders to approve Mr. Reich's performance as a Road Worker II and approve successful completion of his probationary period. Second made by Mr. Jesteadt. All in favor. Motion carried.

**SOLICITORS COMMENTS:** None

**SECRETARY'S COMMENTS:** None

**ADJOURNMENT:** Motion by Mr. Saunders to adjourn at 8:13 PM. Second by Mr. Jesteadt. All in favor. Motion carried.

**MUDDY CREEK TOWNSHIP SUPERVISORS**

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Dale Kerr, Chairman

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Rick Saunders

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Robert J. Jesteadt, Sr.

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Kelly A. Livermore, Secretary/Treasurer

(Seal)