

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS**

February 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. 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: Mr. Jim Miller

TREASURER'S REPORT: A motion was made by Mr. Saunders to accept the treasurer's report for the month of January. 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. Saunders with a second by Mr. Jesteadt to adopt the January 16, 2013, minutes. All in favor. Motion carried.

CORRESPONDENCE:

- A. Penn dot: Proposed surface improvements for 2013.
- B. Prospect Library: Statistics for 2012.
- C. Prospect Boys and Girls Club: Thank you for 2012 donation.
- D. Pennsylvania 811: 2013 Excavation safety guide and directory.
- E. Civil and Engineering Consultants: Municipal Notice Requirements of Acts 14, 67, 68, and 127 for the Ceaser Well (Yellow Creek Road in Muddy Creek Township).
- F. 2012 EMC Insurance Audit
- G. Old Republic Surety: Protech Bond Information.
- H. Berkheimer: EIT Yearend Report.
- I. Clinton Champagne: Butler County Real Estate Trends.
- J. M. Meisel: 2012 Real Estate Certificate of Uncollected Taxes.
- K. Trumbull Corporation: Contractor for the replacement of bridges of 422. Beginning on March 1, 2013. I 79 N ramp will be closed.
- L. PSATS New Bulletin
- M. PSATS Legal Defense Partnership
- N. DCNR: Moraine State Park has applied to DEP for Sewage Pump Station.
- O. PSATS: CDL Data for 2012.
- P. Shell: Notification of gas well on Twentier property in Perry Township.
- Q. Rex Energy: Application for gas well on L & L properties in Lancaster Township.
- R. Rex Energy: DEP application for Ceaser Well located in Muddy Creek Township (1H well).
- S. Rex Energy: DEP application for Ceaser Well located in Muddy Creek Township (2H well).

- T. CWM: Notification that Pilot is applying to DEP for permit to discharge treated sanitary wastewater into an unnamed tributary to Muddy Creek. The board requested for Mr. Duncan to review and investigate the discharge location to determine if this has changed.
- U. Portersville Muddy Creek Township VFD: Agreement that no fees will be charged to residents for fire protection services. Motion to approve with the change from Worth Township to Muddy Creek Township residents made by Mr. Jesteadt. Second by Mr. Kerr. Mr. Saunders abstained from voting due to his Muddy Creek Township Portersville Volunteer Fire Department membership.
- V. Local 66: Mr. Reich's membership and authorization for dues has been received.
- W. Tax Collector Liability Sheet. This identifies what the real estate tax collector should be collecting.
- X. Board of Assessment: Exoneration trailer in Lake Arthur Estate.
- Y. Butler County Emergency Services: Title 35 Training sessions for 2013. Certification requirements. Mr. Saunders will verify with Mr. Badger that he has received the required training.

PUBLIC COMMENT: Mr. Miller commented on the "good job" the road department is doing with winter maintenance.

COMMITTEE UPDATES:

- Planning Commission:
LaChance Plan: Mr. LaChance has submitted a formal written request to withdraw his land development plan. He still wants to install the 1000 gallon holding tank in accordance with local regulations. A motion to accept the withdrawal of the LaChance plan made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- BCATO:
The committee is working on the upcoming spring conference.
- COG:
The meeting for February was cancelled. Anyone interested in attending the upcoming Marcellus Shale conference to be held at BC3 on Tuesday, March 5? Mr. Kerr and Mr. Jesteadt would like to be registered to attend.
- ACT 32 COMMITTEE:
No report.

ROAD DEPARTMENT REPORT:

- A. Protech Asphalt: Working with Bond Company.
- B. Flagger Training: Mr. Saunders can provide the mandated training to the road department.

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. Jesteadt. All in favor. Motion carried.

- C. Yellow Creek Road: The Road Department Foreman met with a representative from Penn Dot on Wednesday 2/13 for recommendations to address the property owner concerns. Penn Dot representative recommended the installation of four chevron signs and one directional sign (curved road). Motion to approve the purchase and installation of the signage made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- D. Freightliner: There was damage to the truck at US Municipal. Photos of the damage were forwarded to the supervisors. Us Municipal will buff out the damage and deduct \$1,000 from the cost of the bed. Mr. Hempfling and Mr. Reich went to US Municipal in Huntingdon to inspect the truck and review the hardware installation. The truck is expected to be delivered in early March.

NEW BUSINESS:

- A. Bids for Aggregate, Oil, Diesel, Single Seal and Paving: Motion to advertise bids made by Mr. Saunders. Second by Mr. Jesteadt. All in favor. Motion carried.
- B. Resolution 2013-06: Motion to approve the Cell Phone Stipend Agreement/Policy made by Mr. Saunders and seconded by Mr. Jesteadt. All in favor. Motion carried.
- C. Pressure Washer Quotes:

Messicks 187 Merts Drive Elizabethtown, PA 17022	4793.25 ***Not steam. Hot water only Cam Spray
Fultz Enterprises Inc 20 Cedar St Franklin, PA 16323	5299.00 Plus 215.00 for auto start/stop Landa
Cleaning Systems Inc PO Box 624 Mars, PA 16046	4790.56 Hotsy

A motion was made by Mr. Jesteadt to purchase the pressure washer from Fultz Enterprises, Inc. with the auto start/stop and 75' hose. Second by Mr. Kerr. All in favor. Motion carried.

- D. Tractor with Boom Mower: The board will continue look for a used tractor with mower.
- E. Agriculture Securities: the Board needs to identify an Ag. Security Board which consists of three farmers and one resident. A motion was made by Mr. Saunders and seconded by Mr. Kerr to appoint Mr. Jesteadt as chair of the Ag. Securities. All in favor. Motion carried.
- F. APWA Training: Mrs. Livermore attended the Mutual Aid training and will be creating a card with contact numbers for various contractors and officials in event that contacts need to be made during an emergency (addressing road issues).
- G. 2012 State Pension Aid: A surplus of \$249.33 was realized from the Commonwealth for the road department pension. As required by the Auditor General, the monies are to be returned to the Commonwealth
- H. Costars Salt: A motion to order 500 tons of salt from costars for 2013-14 season made by Mr. Saunders and seconded by Mr. Jesteadt. All in favor. Motion carried.

SOLICITORS COMMENTS: None

SECRETARY'S COMMENTS: None

EXECUTIVE SESSION: A motion to enter into executive session at 8:02 PM to discuss legal issues was made by Mr. Saunders. Second motion by Mr. Kerr. All in favor. Motion carried. A motion to exit executive session was made at 8:09 PM by Mr. Saunders and seconded by Mr. Kerr. All in favor. Motion carried.

ADJOURNMENT: Motion by Mr. Saunders to adjourn at 8:13 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)