

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**July 21, 2010**

**7:00 p.m.**

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

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mrs. Kelly Livermore, and Mr. Thomas Smith. 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:** Bill Puryear, Mike Walsh, Bob Badger, Audrey Badger, Larry Coble.

**TREASURER'S REPORT:** Mrs. Livermore provided copies of the treasurer's report for the month ending June. Motion to accept the report made by Mr. Kerr, second by Mr. Saunders. All in favor. Motion carried.

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

**MINUTES:** Motion to accept the minutes of April 21, 2010 with amended date on the minutes made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried. Motion to table until the June 16, 2010 minutes until next meeting made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.

**CORRESPONDENCE:**

- A. Verizon: Corporate Liability Authorization Form indicates the contact person to make account changes. Mrs. Livermore is listed as the township contact.
- B. Portersville Borough: Request for the additional payment of \$36.72 for the payment of the workers compensation for the volunteer fire department. Mrs. Livermore stated that the difference was due to the added cost by the borough to cover the police officer and secretary which is not the responsibility of Muddy Creek Township.
- C. Act 14 Notification by Phil Nastasi for small flow permit renewal.
- D. PSATS Youth Award: Notice to submit nominations for the Youth Award.
- E. Caruso: The accountant has to resubmit the paperwork to the IRS for the abatement appeal for the three quarters in 2007.
- F. PSATS resolution opposing HB 2431 and SB 1357 (making the county the basic level of government and statewide boundary commission to review and make conclusion for the merger, consolidation, or annexation of municipalities). On a motion by made by Mr. Saunders to adopt Resolution 2010-09 opposing HB 2431 and SB 1357. Second by Mr. Kerr. All in favor. Motion carried.

- G. Mercer Township Supervisor: Requests support to send a letter to the County Commissioners of Butler County opposing the adoption of the county storm water management plan in its current form. On a motion by Mr. Saunders to send a letter to the Butler County Commissioners urging changes to the existing storm water management ordinance. Second by Mr. Kerr. All in favor. Motion carried.
- H. PA DEP: Abandoned Mine Reclamation: The state will be funding clean up of "South Lake Arthur".
- I. Road Bond Agreement: Agreement received from Matson Lumber. Motion to accept and authorize the agreement and bond made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**PUBLIC COMMENT:**

Mike Walsh from Walsh Equipment stated that if there were any questions about the purchase of a back hoe to contact him.

**COMMITTEE UPDATES:**

- A. Planning: A review of the Deb Allen Land Development application was discussed.
- B. Butler County Association of Township Officials: Does not meet in the summer.
- C. Butler County Council of Governments: No update
- D. Butler County Tax Collection Committee: No update

**ROAD DEPARTMENT REPORT:**

- A. Stone Church Road (Slater/Stevenson Property) & West Park Road/Selvaggio and Luster property: The township engineer was requested to visit the sites. He was waiting until there was a substantial rain fall to analyze the storm water flow.
- B. Kirk Road Paving Project: Penn Dot notice of completion. On a motion by Mr. Saunders and seconded by Mr. Kerr, the Kirk Road Paving Project is completed and the Penn dot completion notification is approved. All in favor. Motion carried.

**OLD BUSINESS:**

- A. Schaffer Holding Tank: Mr. Schaffer was required to submit certified drawings identifying the location of the holding tanks. A motion was made by Mr. Kerr to rescind the requirement to submit certified drawings. Second by Mr. Saunders. All in favor. Motion carried. On a motion made by Mr. Saunders and second by Mr. Kerr the Sewage Holding Tank Installation, Operation and Maintenance Agreement was approved. The agreement can be signed in between township meetings when Mrs. Livermore confirms the cash bond receipt. All in favor. Motion carried.
- B. Trash Collection Ordinance: Mr. Vogel has a schedule conflict and was not able to attend.

- C. EIT Tax Audit: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. Debra Allen Property: Motion to table made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- E. Relay Switch – Pilot Traffic Lights: Prices for a generator will be available for discussion at the next meeting.
- F. Office – Stanford Road: Motion to remove from the agenda made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Lane Reflection Signage Inventory: Mrs. Livermore stated that she found a map from 1995 that listed 41 lanes. It is estimated that potentially 10 lanes have been added since 1995. Motion to remove from agenda until next year made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- H. Seasonal Worker Evaluation: Nothing reported.
- I. USDA Grant: Mrs. Livermore contacted the USDA to inquire about the status of the grant. She has been asked to contact them in August to get an update. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- J. National Flood Insurance Rate Map/Project: Mrs. Livermore has prepared letters to go to property owners with parcels in the identified zones. She also contacted Lancaster Township to inquire about a joint public meeting with FEMA to discuss the FIRM. She will wait to hear from Lancaster and continue to schedule a public meeting. Motion to table made by Mr. Saunders. Seconded by Mr. Kerr. All in favor. Motion carried.
- K. PA Labor and Industry: Way to Work Program. Mrs. Livermore requested approval to hire an Assistant Secretary at a rate of \$10.00 per hour for 25 hours a week. Gross Wages will be paid for by Career Link with the township responsible for the employer paid taxes which would amount to approximately \$282.00. The position will expire on September 30, 2010. Motion to approve request made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Road Bonding Ordinance: On a motion made by Mr. Saunders and seconded by Mr. Kerr, Mr. Smith was requested to prepare and ordinance (s) which address the road weight limit and road bonding. All in favor. Motion carried.
- B. SB 1042 (Act 46 of 2010): Permit Automatic Extension until July 2, 2013. Mr. Smith will review the legislation.
- C. Mirror Agreement (Stephenson): Mr. Saunders motioned to approve the agreement between the township and Zane Stephenson for the placement of a mirror at 301 East Portersville Road. Motion Seconded by Mr. Kerr. All in favor. Motion carried.

- D. Todd Thomas Sewage Application: Modular Plan Requirement: On a motion by Mr. Saunders and seconded by Mr. Kerr, the request to waive the planning requirement for the Sewage Application was denied. A letter will be sent to the SEO notifying him of the board's action. All in favor. Motion carried.
- E. Seasonal Worker: A motion was made by Mr. Saunders and seconded by Mr. Kerr to terminate the seasonal work position effective August 1, 2010. All in favor. Motion carried.
- F. LTAP Training Project Estimates: Mr. Saunders motioned to approve the attendance of Mrs. Livermore and a road worker at the LTAP training. Second by Mr. Kerr. All in favor. Motion carried.

**SOLICITORS COMMENTS**: Mr. Smith noted that a restitution hearing is scheduled for August 10, 2010 and has requested for Mrs. Vivian Caruso to be identified as the township's witness. Mr. Saunders motioned to approve for Mrs. Caruso to serve as the township's witness at the restitution hearing. Second by Mr. Kerr. All in favor. Motion carried.

**SECRETARY'S COMMENTS**: Mrs. Livermore requested the purchase of a refrigerator for the office which should cost no more than \$100. Motion to approve the request made by Mr. Kerr. Second by Mr. Saunders.

**Executive Session**: A motion was made by Mr. Saunders at 8:01PM to enter into executive session to discuss real estate matters. Second by Mr. Kerr. All in favor. Motion carried.

A motion was made by Mr. Kerr to end the executive session at 8:32PM. Second by Mr. Saunders. All in favor. Motion carried.

Mr. Saunders made a motion to contact Mr. Andrasko to complete a soil sample test at the Township site on Perry Highway. Second by Mr. Kerr. All in favor. Motion carried.

**ADJOURNMENT**: Motion by Mr. Kerr at 8:35 PM to adjourn, second Mr. Saunders. 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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Sean Gramz

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Kelly A. Livermore, Secretary/Treasurer

(Seal)