

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**February 9, 2009**

**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.

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mr. Sean Gramz and Mrs. Kelly Livermore, Mrs. Alice Wahl, Mr. Tom Smith.

**VISITORS:** Bob Badger, Audrey Badger, Pat Moore, Deb Allen, Chuck Allen, Ken Lehman, Chuck Allen, Jr., Nola Youngman.

**FINANCIAL STATEMENT:** Motion by Mr. Gramz to pay bills with noted changes :  
Check 8201 Triangle Gasoline (\$872.78) should be coded Road Dept. Diesel 430.232  
Check 8703 Armstrong Cable not approved for payment, the amount and charges for services are not accurate. Phone services are the only services that should be paid.  
Check 8713 McClymonds (\$240.64) should be paid from the Highway Fund. The amount of \$240.64 should be reimbursed from Highway Fund to the General Fund.  
A second by Mr. Saunders. All in favor. Motion carried.

**MINUTES:** The minutes for 2009 Reorganizational meeting were presented. The minutes were not the completed minutes presented. Motion by Mr. Saunders to table to 2009 Reorganization Meeting Minutes, second by Mr. Kerr. All in Favor. Motion carried. The January 26, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Kerr. All in favor. Motion carried.

**CORRESPONDENCE:** Humane Society. More information needed to review the correspondence.

**PUBLIC COMMENT:** Mrs Badger requested a list of expenses for the public to view. The Board provide a list for review during the meeting. Mrs. Nola Youngman asked if meeting minutes could be tabled. Mr. Saunders responded that they were not approved because they were not completed.

**PLANNING COMMISSION REPORT:**

- A. Dean Edner is the Vice Chair of the Planning Commission. Mr. Gramz spoke with the engineer representing John Brown trucking about a concrete batch plant. Mr. Gramz recommended that the engineer obtain a copy of the subdivision and land development ordinance. He also contacted John Nath about UCC requirements as well. The next planning commission meeting is on Thursday, February 12, 2009.

**OLD BUSINESS:**

- A. EIT Tax Audit: Solicitor Mr. Tom Smith has requested copies of the checking account from the accountant. Motion by Mr. Saunders to table, second Mr. Kerr. All in favor. Motion carried.
- B. Debra Allen Property: Ms. Allen was present. The supervisors explained the land development permitting process. Mr. Kerr requested that Ms. Allen

provide periodic updates on the status of the property. Mr. Kerr motioned to table, second by Mr. Gramz. All in favor. Motion carried.

- C. Resolutions 09-05 thru 09-09: Mr. Saunders motioned to table, second by Mr. Kerr. All in favor. Motion carried.
- D. Salt Shed and Salt Brine: Mr. Saunders motioned to table, second by Mr. Kerr. All in favor. Motion carried.
- E. Levis Road: Motion by Mr. Kerr to table, second by Mr. Saunders. All in favor. Motion carried.
- F. Flinner Property: Mr. Gramz requested for the electrical to be inspected. In accordance with UCC, the electrical needs inspected. Mr. Gramz will check with MIDA about the inspection. Mr. Gramz motioned to table, second by Mr. Saunders. All in favor. Motion carried.
- G. Lettering on the truck: Mr. Kerr has received two quotes and is awaiting the third quote. Mr. Kerr motioned to get the lettering on the truck upon receipt of the third quote not to exceed \$200, second by Mr. Saunders. All in favor. Motion carried.
- H. List amount paid for taxes from 1/26/09 meeting: Reviewed. Motion to remove from agenda by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.

#### **NEW BUSINESS:**

- A. ADP: Mr. Gramz motioned to approve the ADP contract for Muddy Creek Township payroll, second by Mr. Kerr. All in favor. Motion carried.

#### **SOLICITORS COMMENTS:**

- A. Resolution 09-10 Authorizing the services of PCS: Mr. Kerr motioned to adopt Resolution 09-10, second by Mr. Saunders. All in favor. Motion carried.

#### **SECRETARY COMMENTS:**

- A. Muddy Creek Township Administrative Office Hours: Mrs. Livermore reported that the office hours are Mondays: 12:00 Noon to 6:00 PM and Wednesdays and Fridays: 10:00 AM to 3:00 PM.

#### **EXECUTIVE SESSION:**

Motion by Mr. Kerr at 8:30 PM to enter into executive session, second by Mr. Saunders. All in favor. Motion carried. Motion at 8:52 PM to end executive session by Mr. Kerr, second by Mr. Saunders. All in favor. Motion carried.

- A. Caruso and Caruso: Motion by Mr. Gramz to contract the services of Caruso and Caruso for the 2008 Audit and 2005, 2006, 2008 Audit of specified records. Second by Mr. Kerr. All in favor. Motion approved.
- B. Donegal Township Secretary(Leslie Stewart): Motion by Mr. Gramz to approve the services of the Donegal Township Secretary to assist with closing the 2008 RA books to be paid at a rate of \$20 per hour plus mileage, second by Mr. Saunders. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Kerr at 8:52 PM to adjourn, second Mr. Saunders. All in favor. Motion carried.

## **MUDDY CREEK TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
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)

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**February 23, 2009**

**7:00 p.m.**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order by Mr. Saunders at 7:02 p.m.

**ROLL CALL:** Those present included Mr. Rick Saunders, Mr. Sean Gramz and Mrs. Kelly Livermore, Mr. Tom Smith, and Mr. Dale Kerr was late. Mr. Saunders turned the meeting over to the chairman, Mr. Kerr at 7:06 PM

**VISITORS:** Pat Moore

**FINANCIAL STATEMENT:** Motion by Mr. Saunders to pay bills with noted changes: Check Number 8733 not approved for payment. Mr. Gramz recommended investigating AVG for internet security. Check Number 8738 was not paid due to an error on the check. Mr. Gramz inquired about the proper coding of Check Number 8742. Mr. Kerr Seconded the motion. All in favor. Motion carried.

**MINUTES:** The February 9, 2009 meeting minutes were presented. Motion by Mr. Saunders to approve, second Mr. Gramz. All in favor. Motion carried. The January 5, 2009 Reorganization Meeting Minutes were presented. Motion by Mr. Kerr to approve the minutes as presented, second by Mr. Saunders. All in favor. Motion carried.

**CORRESPONDENCE:** Butler County Sewer Authority: The Township is not using the service. PROP: Survey regarding the area waste management through a federal grant. Mrs. Livermore will go on line to complete the survey. Attorney Cohen: Offering to review the cable franchise agreement and offer free advice.

**PUBLIC COMMENT:** Mrs. Moore requested a list of expenses for the public to view.

**PLANNING COMMISSION REPORT:**

- A. Mr. Gramz completed the DEP Bureau of Mine Reclamation
- B. Mr. Gramz reviewed meeting minutes from the Planning Meeting on 2/12/09.
- C. Mr. Kerr inquired about the process when the SEO is being requested by Realtors for property test results. The test results are the property owner's results. When the property is listed for sale, then the results can be public. The SEO will have to have knowledge of the property being listed for sale. The SEO or Right to Know Officer will have to confirm the listing of the house for sale before providing information.

**OLD BUSINESS:**

- A. EIT Tax Audit: Solicitor Mr. Tom Smith has requested copies of the checking account from the accountant. Motion by Mr. Kerr to table, second Mr. Saunders. All in favor. Motion carried.
- B. Debra Allen Property: MDIA did send a letter to Mrs. Allen on 2/1/08 but has had no other contact. The process of permitting etc should be through PCS. Motion to table made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.
- C. Resolutions 09-05 thru 09-09: Mr. Smith will add lines for union official's signature. Mr. Saunders motioned to table, second by Mr. Gramz. All in favor. Motion carried.

- D. Salt Shed and Salt Brine: Mr. Kerr motioned to table, second by Mr. Saunders. All in favor. Motion carried.
- E. Levis Road: A letter was sent to Mr. Kestner. Motion by Mr. Kerr to table, second by Mr. Saunders. All in favor. Motion carried.
- F. Flinner Property: A notice from the district magistrate with a hearing date of 3-4-09 received in the Administrative Office. Mr. Saunders motioned to table, second by Mr. Kerr. All in favor. Motion carried.
- G. Lettering on the truck: Mr. Kerr received the lettering and will complete. Motion to table by Mr. Kerr, second by Mr. Saunders. All in favor. Motion carried.
- H. CDL: Mr. Kerr motioned to remove for the agenda, second by Mr. Saunders. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Shaffer Property: Mr. Gramz reported that a cease and desist letter was sent by PCS to Mr. Shaffer.
- B. Road Maintenance Plan: Mr. Gramz has requested the development of a Road Maintenance Plan (5-7 year plan). Mr. Flinner is working on this with Mr. Napko from PENNDOT. The plan should be completed in the upcoming weeks.
- C. Resolution for the Use of the Building Funds: Mr. Gramz requested that a resolution be adopted limiting the use of the building funds exclusively for a new township building. Mr. Smith explained that a resolution can be changed with a majority vote of the supervisors. Mr. Saunders reported that it is his desire to spend the money in the building fund on a township building unless a catastrophic event would take place. It is noted for the record that Mr. Gramz requested for the money in the Building Fund is used exclusively for a township building.
- D. Waste Management Hauler: Mr. Kerr has requested that the township investigate the use of one hauler in Muddy Creek Township limited to residential waste.

**SOLICITORS COMMENTS:**

- A. Kelner Appeal: The appeal resulted in a two to one vote in favor of the township. There is 30 day appeal period.

**SECRETARY COMMENTS:**

- A. Website: Mr. Saunders mentioned that the township website needs to be updated.
- B. Water: Mrs. Livermore requested for approval to contact Lou Negley to get a water cooler and water delivery in the administrative office. There currently is not water supply other than the restroom in the office. Mr. Gramz motioned to approve the water cooler and water delivery, second by Mr. Kerr. All in Favor. Motion carried.

**EXECUTIVE SESSION:**

Motion by Mr. Kerr at 7:55 PM to enter into executive session, second by Mr. Saunders. All in favor. Motion carried. Motion at 8:15 PM to end executive session by Mr. Kerr, second by Mr. Saunders. All I favor. Motion carried.

- A. IUOE Local #66: Motion to approve the union agreement between Muddy Creek Township and International Union of Operating Engineers Local 66, 66A, B, C, D, O & R Affiliated with the AFL-CIO effective January 1, 2009 and expiring on December 31, 2011 with the noted date change on page #14 made by Mr. Saunders, second by Mr. Kerr. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Kerr at 8:25 PM to adjourn, second Mr. Saunders. All in favor.  
Motion carried.

**MUDDY CREEK TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
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)