

**MUDDY CREEK TOWNSHIP
BOARD OF SUPERVISORS
November 21, 2012
7:00 PM**

CALL TO ORDER: The Muddy Creek Township Board of Supervisors was called to order at 7:10 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

ROLL CALL: Those present included Mr. Dale Kerr, Mr. Robert Jesteadt, Sr., Mr. Thomas Smith and Mrs. Kelly Livermore. Mr. Saunders 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: None

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

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

MINUTES: Motion made by Mr. Jesteadt to accept the October 17, 2012 minutes. Second by Mr. Kerr. All in favor. Motion carried.

RATIFY ACTION: A motion was made by Mr. Kerr to ratify the action to award the contract for the garage doors to Installation Services in the amount of \$3,3993.96. Second by Mr. Jesteadt. . Motion carried.

CORRESPONDENCE:

PUC: Payment was received for the Act 13 funds.

PSATS Legal Defense Fund Newsletter: Available at the township office.

Butler County Planning: Hazardous Materials Distribution List: Offsite response plan.

Central Pension Plan: Report of Summary Plan Information

Olsen and Associates: Interested in the engineer/alternate engineer appointment for 2013

Attorney General: Audit Report for Liquid Fuels (copy for each supervisor)

PUBLIC COMMENT: No comment.

COMMITTEE UPDATES:

- Planning Commission:

Lasko Plan: The MCPC recommended the approval of the Lasko Plan for two lot subdivision with contingency of the location of the driveway and site distances noted on the plan. A motion to approve the plan contingent upon receipt of the Component 2 approval from DEP made by Mr. Kerr. Second by Mr. Jesteadt. All in favor. Motion carried. A motion to approve the plan outside of the office made by Mr. Jesteadt and seconded by Mr. Kerr. All in favor. Motion carried.

Planning Commission Members: Mr. Gramz term expires on December 31, 2012 and two alternate positions are open. Mr. Jesteadt is going to speak with his son in law to see if he is interested.

- BCATO:
The conference was held on October 23rd with discussions from the Butler County Community Development Corporation, Butler County Drug Task Force and Drug and Alcohol Program.
- COG:
No meeting. Mrs. Livermore will check to see why the township is not receiving the agendas or meeting minutes.
- ACT 32 COMMITTEE:
A motion was med by Mr. Kerr and Seconded by Mr. Jesteadt to make Mr. Saunders the primary delegate and Mr. Jesteadt as the alternate delegate.

ROAD DEPARTMENT REPORT:

- A. Protech Asphalt: The bonding company was sent the estimate for Sawyer Road. Old Republic will present the offer to the contractor and will respond.
- B. Flagger Training: Mr. Saunders can provide the mandated training to the road department.
- C. Road Complaint: Stanford Road (157) the resident has asked that a hidden driveway be installed and that speed limit signage be installed. The brush along her parcel is obstructing her view of vehicles travelling north bound. Mr. Jesteadt made motion to send a letter to the property owner to cut back the brush/tree to eliminate the site obstruction or relocate the driveway to an area in accordance with the township ordinance. Second by Mr. Kerr. All in favor. Motion carried. A road study will be required to post speed limit signage.

OLD BUSINESS:

- A. Flood Management Ordinance: A motion to table was made by Mr. Kerr. Second by Mr. Jesteadt All in favor. Motion carried.
- B. UCC Appeals Board. A motion was made by Mr. Jesteadt requesting for Mr. Smith to prepare the ordinance for a joint appeals board with Lancaster Township. Second by Mr. Kerr. All in favor. Motion carried..
- C. Indemnity Agreement for HOP: Motion to table made by Mr. Kerr. Second by Mr. Jesteadt. All in favor. Motion carried.
- D. Yellow Creek Road: Mrs. Livermore was requested to obtain the police report from the accident to further examine the cause of the accident.
- E. Vernon Kerry Property: Mrs. Livermore will consult with BCCD on the status.

NEW BUSINESS:

- A. 2013 Budget: A motion was made by Mr. Kerr to approve and advertise the preliminary budget as presented. Second by Mr. Jesteadt. All in favor. Motion carried.
- B. CPA: A motion was made by Mr. Kerr to advertise for a CPA to be contract in lieu auditors. Second by Mr. Jesteadt. All in favor. Motion carried.
- C. Resolution 2012-12 A motion was made by Mr. Kerr to approve Resolution 2012-12 for the payoff of the backhoe debt from the unreserved fund transfer to capital fund. Second by Mr. Jesteadt. All in favor. Motion carried.

- D. Tenant Registration: McClymonds and McNichol have not responded to the request for tenant registration. Mrs. Livermore will send another letter requesting the information.
- E. Adams MFG: A cease and desist was issued for the land disturbance on Route 422. BCCD and DEP are involved.
- F. Cheeseman Road: Rex energy had their contractor reapply the asphalt at the bottom of the Road.
- G. Resolution 2013-13: A motion was made by Mr. Kerr to create a capital reserve account for the transfer of the Act 13 funds. Second by Mr. Jesteadt. All in favor. Motion carried.
- H. Prospect Borough: Multi Municipal Sewer Authority: Mrs. Livermore will send a letter to request that Muddy Creek Township be included in the next meeting to discuss Multi Municipal Act 537 planning.
- I. Tractor/Boom Mower: Mr. Hempfling requested that the Board investigate the fiscal feasibility of purchasing a tractor and boom mower.
- J. Storage Area: A motion was made by Mr. Kerr to approve the construction of a secure storage area in the pole building at a cost of \$2,000 to be funded from the Building Fund. Second by Mr. Jesteadt. All in favor. Motion carried.
- K. Winter Maintenance Agreement: Mrs. Livermore noted that all intergovernmental agreements must be authorized by an ordinance. A motion was made by Mr. Jesteadt to approve for Mr. Smith to draft an intergovernmental agreement ordinance for the winter maintenance in Portersville Borough. Second by Mr. Kerr. All in favor. Motion carried.

SOLICITORS COMMENTS: Muddy Creek Township was notified via Mr. Thomas Smith of a first notice of claim Greenwood, A.

SECRETARY'S COMMENTS: None

ADJOURNMENT: Motion by Mr. Kerr to adjourn at 8:41 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)