

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS  
Special Meeting  
April 13, 2011  
2:00 p.m.**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order at 2:03 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Rick Saunders, Mr. Sean Gramz 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:** John Hagan, R. Giles, Josh Mozley, Dave Rodgers, Audrey Badger, Robert Badger, Bill Puryear, Charlie Walsh, Josh Hinton.

**OVERPOSTED WEIGHT PERMIT:** A motion was made by Mr. Saunders to approve the over posted weight permit submitted by Rex Energy for Cheeseman Road. The inspection has been completed, the bond has been received for \$12,500 and the agreement has been signed. Second by Mr. Kerr. All in favor. Motion carried. A motion was made by Mr. Saunders to approve the driveway permit submitted by Rex Energy for the V. Cheeseman property on Cheeseman Road. The engineer reviewed the permit with the note to slope the driveway away from the road. Second by Mr. Kerr. All in favor. Motion carried.

**BACKHOE PURCHASE:** Mr. Gramz commented that he has had representatives from the low bidder attempt to visit him at his house. While he did not meet with them or speak to them, he felt that this put him in a compromising position and declined to vote. A motion to table was made by Mr. Saunders with a motion second by Mr. Kerr. All in favor. Motion carried.

**EXECUTIVE SESSION:** A motion was made by Mr. Kerr at 2:11 PM to enter into executive session to discuss personnel matters. The motion was seconded by Mr. Saunders. All in favor. Motion carried.

A motion was made by Mr. Kerr at 2:35 PM to end the executive session. Second by Mr. Saunders. All in favor. Motion carried.

**SEASONAL POSITION:** A motion was made by Mr. Saunders to interview five candidates for the seasonal worker position. Second by Mr. Kerr. All in favor. Motion carried.

**BACKHOE PURCHASE:** Further discussion occurred regarding the purchase of the backhoe. Mr. Saunders made a motion to purchase the JCB backhoe. Second by Mr. Kerr. Mr. Gramz abstained from voting. All in favor. Motion carried.

**BACKHOE FINANCING:** Mr. Saunders made a motion to finance 2/3 of the backhoe purchase (purchase price:\$70,980) through First National Bank and the remaining 1/3 along with the final payment of the Ford 550 to be made from the general fund. Second by Mr. Kerr. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Saunders to adjourn at 2:44, second Mr. Kerr. All in favor.  
Motion carried.

**MUDDY CREEK TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
Dale Kerr, Chairman

\_\_\_\_\_  
Rick Saunders

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Sean Gramz

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Kelly A. Livermore, Secretary/Treasurer

(Seal)

**MUDDY CREEK TOWNSHIP  
BOARD OF SUPERVISORS**

**April 20, 2011**

**7:00 PM**

**CALL TO ORDER:** The Muddy Creek Township Board of Supervisors was called to order at 7:09 PM by Mr. Dale Kerr. Pledge of Allegiance was recited.

**ROLL CALL:** Those present included Mr. Dale Kerr, Mr. Rick Saunders, 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:** James J. Jancse, Pat Moore, Tim Shaffer, Bob Badger, and Audrey Badger

**TREASURER'S REPORT:** Copies of the treasurer's report for the month ending March, 2011 was reviewed. 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. Second by Mr. Kerr. All in favor. Motion carried.

**MINUTES:** Motion to accept the March 16, 2011 minutes made by Mr. Kerr. Second motion made by Mr. Saunders. All in favor. Motion carried. Motion to accept the April 13, 2011 minutes made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**CORRESPONDENCE:**

- A. Caruso and Caruso: 2010 DCED Audit report is available for review.
- B. DEP: Water Management Plan for Rex Energy approved for Fisher Farm location. NO other details.
- C. US Department of Commerce: Census Question Resolution Program
- D. Bronder Technical Service: Proposal for the Video Detection at Pilot Drive. There is damage to the sensor box at the truck stop. Pilot is past due on two payments and the third quarter is due now. Mrs. Livermore has requested that the solicitor follow up with contact to Pilot regarding violation of contract. Motion to approve the solicitor contact with Pilot made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- E. Stanford Road: Trash Complaint. Mr. Kerr will examine the complaint and determine appropriate follow up.
- F. Ford Motor Credit Company: Recall on the Ford 550. The road department has already taken the vehicle to the dealer for repair.
- G. Butler EMS: EMC information. Vaughn Badger is the only contact listed for the township.
- H. Marcellus Shale Emergency Response Training: REX energy is sponsoring training for first responders.

**PUBLIC COMMENT:**

Mr. Shaffer was present to introduce himself and announce his candidacy for Magisterial District Judge.

**COMMITTEE UPDATES:**

A. Planning:

No meeting held in March due to lack of agenda items. Mr. Saunders made a motion to appoint Mr. Jim Jancse to serve on the Planning Commission with a term to expire on 12/31/2013. Second by Mr. Kerr. All in favor. Motion carried.

B. Butler County Association of Township Officials: May 19<sup>th</sup> is the upcoming convention.

C. Butler County Council of Governments: COG care has been introduced.

**ROAD DEPARTMENT REPORT:**

DOC community service crew completed the installation of the insulation and will schedule the painting in June.

2010 Road Issues (Stone Church Road, Levis Road, and Badger Hill Road: Badger Hill road needs a pipe installed at the Luster driveway. A letter is to be sent to the property owner to have a pipe installed at the driveway to divert the water away from the roadway. Stone Church Road needs to be ditched by the road crew.

Kirk Road: Triaxle being parked at a residence. The truck is over posted weight and has damaged the berm of the road. Mr. Saunders made a motion to send a letter to the owner requiring the truck to obtain an over posted weight permit. Second by Mr. Kerr. All in favor. Motion carried. Also trucks are entering Adams Mfg. from Fisher Road and damaging the berm of the road. A motion by Mr. Saunders was made to send a letter to Adams Mfg requesting that they use State Route 422 to enter the plant. Second made by Mr. Kerr. All in favor. Motion carried.

Old Backhoe: Motion by Mr. Saunders to weigh and scrap the hoe when the new one is received and a weight box be constructed for the old back hoe. Second by Mr. Kerr. All in favor. Motion carried.

Brush Cutting/Mowing: Only one quote received for Brush Cutting and Mowing. Stinson Lawn Care quoted a price of \$63.00/hour. A motion to accept the quote by Stinson Lawn Care made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**OLD BUSINESS:**

- A. Darlene Oliver Building Permit: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- B. National Flood Insurance Ordinance. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- C. Butler County Storm Water Management: A motion was made by Mr. Saunders to approve the solicitor to advertise the Ordinance 65 for adoption at the May meeting. Second by Mr. Kerr. All in favor. Motion carried
- D. Backhoe purchase: First Nation Bank finance interest is 3.39% for \$46,700 for five years semi annual payments of 45,051.00. Need solicitor's opinion letter and two signers. Motion made by Mr. Kerr for Mr. Saunders and Mr. Kerr to be signers. Mr. Saunders second. All in favor. Motion carried.

- E. Traffic Lights: Bronder is checking on the price. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- F. 200 Bauder Mill Road: Letter which will identify the requirements discussed to eliminate the water flow from the ditching to the road. Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- G. Engineering Proposal: Motion to approve the Gannett Fleming proposal in the amount of \$7,500 to study the roads identified for weight limit posting made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- H. Resolution 2011: Addendum to Fee Schedule. Motion to adopt Resolution -05 made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- I. EIT Nonresident: Motion by Mr. Saunders for Mr. Smith to prepare an ordinance. Second by Mr. Kerr. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Student Intern: IUP Graduate Student Belinda Arndt hire at \$9.00/hour beginning on May 9<sup>th</sup>. Motion to approve the hire of a Mr. Arndt made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- B. Hardship Hook ups: Mr. Saunders approved for the mailing of letters to the owners of the hardship hookups for compliance with the ordinance. Second by Mr. Kerr. All in favor. Motion carried.
- C. BCATO convention: Motion to approve Mrs. Livermore and Mrs. Meisel to attend the convention at \$25.00/each made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- D. EIT/SRASD: The school district wants to meet to determine how to disburse the remainder of the EIT fund. Mr. Saunders motioned that a meeting was not necessary and that the funds can be divided 50% each to the SRASD and MCT and an agreement be executed that any claims received for 2004-2006 shall be paid 50% by SRASD and MCT. If SRASD does not agree to this, then the board will do nothing with the money for two years in anticipation of additional claims. Second by Mr. Kerr. All in favor. Motion carried.
- E. IRS: According to Vivian, the township has satisfied any claims by the IRS. A claim can be made to the bonding company to recover the \$3,184.19. A motion was made by Mr. Kerr to request the claim from Hartford. Second by Mr. Saunders. All in favor. Motion carried.
- F. State Bonding (intersections)/Water Supply Replacement Bond/Road Bonding: The township cannot require a water supply bond. The township should recommend to the residents for testing of the water. DEP will test for claims in quantity reduction of water. The township cannot require water supply bonding.
- G. Lowes Credit Limit: Motion by Mr. Saunders to approve the request to increase the credit limit to \$5,000. Second by Mr. Kerr. All in favor. Motion carried. Motion to open an account at Lezzer Lumber made by Mr. Kerr. Second by Mr. Saunders. All in favor. Motion carried.
- H. Building Permit Ordinance: Motion to table made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.
- I. Sewage Holding Tank Ordinance 64: Motion to advertise Ordinance 64 for adoption at the May meeting made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**SOLICITORS COMMENTS:** None

**SECRETARY'S COMMENTS:** Motion to purchase Microsoft office software not to exceed \$200 made by Mr. Saunders. Second by Mr. Kerr. All in favor. Motion carried.

**EXECUTIVE SESSION:** At 8:15 PM a motion was made by Mr. Saunders to enter into executive session to discuss personnel matters. Second by Mr. Kerr. All in favor. Motion carried. At 8:20 PM a motion was made by Mr. Saunders to end executive session. Second by Mr. Ker. All in favor. Motion carried.

Seasonal Road Worker: A motion was made by Mr. Saunders to hire Brad LeRoy as seasonal road worker at a rate of \$10.00 effective April 21, 2011 pending the completion of paperwork and pre employment screening. Second by Mr. Kerr. All in favor. Motion carried.

**ADJOURNMENT:** Motion by Mr. Saunders to adjourn at 8:26 PM, second Mr. Kerr. 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)