

Maidencreek Township Board of Supervisor Meeting
February 12, 2008 7:00 pm

Present: Claude Beaver, Roy Timpe, Joseph E. Rudderow III, Eugene Orlando, Jr. and Stephanie Dake – Roland & Schlegel, Thomas Unger – Systems Design Engineering, Inc., Diane Hollenbach – Manager

Guests: Krista Timpe, Tony Dompkowski, Eric Dompkowski, Henry M. Koch, Jr., Mark Hinkle, Tammy Hinkle, Randi Peters, John Bulack, Rick Kline and Bob Ramsey.

Claude Beaver called the February 12, 2008 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

POLICE REPORT

Officer Drazenovich reported that the Northern Berks Regional Police Department responded to 305 assignments in Maidencreek Township in the month of January. This resulted in 52 citations. The traffic fines for Maidencreek for the month of January were \$1,909.84 and non-traffic fines were \$858.32, totaling \$2,768.16. The total number of patrol hours was 940.03 for the month.

APPROVAL OF THE MINUTES

A motion was made by Roy Timpe, seconded by Joe Rudderow, to approve the January 16, 2008 Regular Meeting Minutes. Hearing no questions on the motion, all members voted "Aye". Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to accept the request for an extension of the review period for the Village at Summit Crest III Final Plan until May 8, 2008. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Subdivisions/Zoning

CVS Land Development Plan – Joe Durkin of Reilly Associates and Henry Koch Esq. presented and reviewed the CVS Land Development Plan with the Supervisors. Mr. Koch stated that the original Cross Easement Agreement had never been recorded when the property was initially subdivided and new Cross Easement Agreement had been submitted to Mr. Orlando for review. Mr. Unger reviewed the SDE letter dated 2/8/08. The Zoning Hearing Board granted the special exception for a drive thru window.

Mr. Unger stated that the Planning Commission recommended that the Board grant the waiver that is being requested by CVS to Section 515.G of the Subdivision and Land Development Ordinance for Interior Parking Lot Landscaping provided that the extra landscaping is added to the perimeter of the parking lot.

Mr. Orlando suggested that a note be placed on the plan stating that this plan supersedes the prior land development plan for lot #1 of the Valentino Subdivision. The same owner that recorded the original plan will also be recording this plan.

A motion was made by Roy Timpe, seconded by Joe Rudderow, granting a waiver to Section 515.G of the Subdivision and Land Development Ordinance, Parking Lot Landscaping

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contingent upon CVS adding the 10% interior landscaping to the perimeter of the property. Hearing no questions on the motion, all members voted "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joe Rudderow, granting final plan approval to the CVS Maidencreek Plan contingent upon the items in the SDE letter dated February 8, 2008, the plans must be signed by the Owner and the Lessor with language specified by the Township Solicitor, the Cross-Easement Agreement for lots 1 and 2 shall be recorded with the final plan, a note shall be added stating the plan revises and supercedes the Valentino plan of record, and issuance of an NPDES permit. Mr. Timpe modified the motion to say that rather than requiring an additional 10' easement along Route 222, the Township will accept the fact that CVS left significant structures out of an additional 10' width of land outside the existing road right of way. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Hinkle Annexation Subdivision Final Plan – Mr. Unger and Mr. Hinkle reviewed the Hinkle Annexation Plan with the Board. Mr. Unger also reviewed SDE's letter dated 2/8/08 with the Board. As part of the annexation, Mr. Orlando suggested the Board require the Annexation Deed and Combination Deed that makes the annexation parcel part of Mr. Hinkle's land be recorded at the same time the plans are recorded.

A motion was made by Roy Timpe, seconded by Joe Rudderow, granting the Hinkle Annexation Plan the following waivers to the Subdivision and Land Development Ordinance: Section 302.K Existing Contours, Section 302.M Existing Utilities, Section 302.N Existing Trees and Section 508.A.3 Lot Width to Depth Ratio. Hearing no questions on the motion, all members voted "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joe Rudderow, approving the Hinkle Annexation Plan contingent upon SDE's letter dated February 8, 2008, the delivery of the Cross Easement Agreements in form and substance satisfactory to the Township and recording with the plan and the delivery of the Annexation Deed and the Deed combining the annexation tract with the main tract also recorded at the same time the plan is recorded. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Projects

Golden Manor III Street Trees – Mr. Unger reviewed the contract with J. Margerison. Mr. Unger stated there is no provision in the contract regarding the holding of 10% of the cost for a period of time, therefore Mr. Unger is requesting final payment in the amount of \$1,260.00 be sent to J. Margerison.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to make final payment to J. Margerison in the amount of \$1,260.00 for the Golden Manor III Street Trees. Hearing no questions on the motion, all members voted "Aye". Motion carried.

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Wyatt Drive Tot-Lot – Bids for the Wyatt Drive Tot Lot were opened. The bids were done two ways Base Bid with 3” BCBC or Alternate Bid with 4” Concrete. The following bids were received:

Name	Total Base Bid	Total Alternate Bid
Spotts Brothers Inc.	\$113,300.00	\$122,400.00
Barwis Construction, LLC	\$152,268.00	\$169,566.00
Bertolet Construction Corp	\$121,100.00	\$126,220.00
Windsor Service	\$156,400.00	\$174,000.00
Progressive Products & Materials Dist., Inc.	\$ 87,386.00	\$ 97,058.00
Grace Industries, Inc.	\$130,400.00	\$134,975.00
J. Margerison Landscaping Inc.	\$126,293.00	\$131,715.00
Smith & Smith Gen. Contr., Inc.	\$142,100.00	\$142,100.00

Mr. Beaver asked if the Park and Recreation Board had any recommendations regarding using concrete versus the BCBC. After a lengthy discussion, it was determined to go with the base bid with 3” BCBC.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to award the bid for the Wyatt Drive Tot Lot to Progressive Products & Materials Distribution, Inc. with a base bid of \$87,386.00 pending the Engineer's and Solicitor's review. Hearing no further questions on the motion, all members voted “Aye”. Motion carried.

Act 167 Model Stormwater Ordinance – The Board will need to adopt revisions to the Maidencreek Township Storm Water Ordinance that were made by the County of Berks and reviewed by the Pennsylvania DEP.

Subdivision Improvement Agreement LOC/Escrow Release Letters

A motion was made by Roy Timpe, seconded by Joe Rudderow, to authorize the Chairman to sign the Subdivision Improvements Agreements LOC/Escrow release letters in the amount of \$1,015.45 for the month of January 2008. Hearing no questions on the motion, all members voted "Aye." Motion carried.

Sewage Enforcement Officer Activity Report and Code Enforcement Officer Activity

Report- Mr. Unger stated that the SEO and Code Enforcement Officer's Reports are in the Supervisor Books for their review.

Lehigh Cement - Mr. Unger reviewed the notification that was received from Lehigh Cement dated February 6, 2008, regarding the application that was presented to the Pennsylvania Department of Environmental Protection (PADEP) requesting approval of an Air Quality Permit to burn dried Class A Biosolids as an alternate fuel in the Lehigh Cement kilns. Mr. Unger and Ms. Hollenbach meet with Roger Fitterling of the PA DEP Reading Office regarding this issue. Currently, there are no facilities in Pennsylvania that burn Class A Biosolids in this type of application. Lehigh has offered an invitation to the Supervisors to take a tour of their plant in Evansville, PA and their plant in Maryland that burns Type A biosolids. Lehigh Cement has already done one test burn of the material and will notify the Supervisors when the next test will occur. Pa DEP informed Mr. Unger that the Township may submit comments, which will be taken into consideration. Pa DEP will advertise the actual permit, when written in the PA

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Bulletin and the newspaper. At that point, there will be a 30 day public comment period. This does not mean that a public hearing will be held.

Mr. Rudderow asked how long the Maryland plant has been burning biosolids and what the population density is in the area. Mr. Unger stated that they have been burning for one year. Mr. Unger does not know the population density. Mr. Orlando asked if the Maryland DEP monitors the dust samples. Mr. Unger stated that the Maryland DEP requires Lehigh Cement to hire a third party to collect and test samples from the stacks. Lehigh Cement burns 70%-80% coal and the remaining 30%-20% comes from alternate fuels. Mr. Orlando asked who supplies the biosolids. Ms. Hollenbach said they are currently coming from Synagro. Ms. Hollenbach added that Lehigh Cement has feelers out for other suppliers. Mr. Orlando suggested that Lehigh Cement inquire with Exeter Township Authority to see where they stand with their biosolids drying project.

Mr. Kline voiced his concerns regarding the burning of biosolids by Lehigh Cement. Mr. Kline was aware that this is a DEP and EPA issue and the Township can only make comments on the application that is with DEP. Mr. Kline suggested that the Township should place an ad in the Reading Newspaper advertising that Lehigh Cement is going forward with burning biosolids as a fuel and any responses should be directed to DEP.

Various residents from the audience voiced their concerns regarding the spreading and burning of sewage sludge and the effects this may have on public drinking water that comes from Lake Ontelaunee. Mr. Orlando stated that if the residents want to have their voices heard regarding this issue, they need to contact their congressman and state senators. The Supervisors will draft a letter regarding the Township's concern over this matter. The letter will be reviewed by Mr. Orlando. The Supervisors again advised the residents that if they have concerns regarding this matter, they need to contact their congressman, state representative, senators, DEP, EPA, etc.

East Brunswick Township Sewage Sludge Ordinance

A motion was made by Roy Timpe to adopt a memorializing resolution with respect to East Brunswick Township as drafted. Motion died due to lack of a second.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to have the Solicitor draft a memorializing resolution for East Brunswick using the suggested one as a starting point. Hearing no questions on the motion, all members voted "Aye". Motion carried.

OPERATION REPORT - The Board reviewed the Operation Report.

SOLICITOR'S REPORT – Work continues on the Noise Ordinance, Waste Ordinance and the revision to the Special Intensified Agriculture section of the Zoning Ordinance. The Board offered comments on the numbering of the sections in the Noise Ordinance. Mr. Orlando requested a copy of Ordinance 134 which regulates pets. The Planning Commission will discuss the SIA revisions at their March meeting before making a recommendation to the Supervisors. It was pointed out that section 1204A contains performance standards that require a traffic study; however, additional language is needed to require the applicant to remediate adverse conditions found in the traffic study. Such remediation plans should be acceptable to the Township and the

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applicant. The Waste Ordinance will be advertised for adoption with the Storm Water Management Revised Ordinance.

TREASURER'S REPORT/MANAGER'S REPORT

Treasurer's Report and Bill List

A motion was made by Roy Timpe, seconded by Joe Rudderow, to approve the January 2008 Treasurer's Report and bill list. Hearing no questions on the motion, all members voted "Aye".

EMERGENCY MANAGEMENT

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Chairman to sign the Administrator/Manager Designation Form for the Total Visibility System. Hearing no questions on the motion, all members voted "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to adopt resolution 10-2008 the Maidencreek Township Emergency Management Plan. Hearing no questions on the motion, all members voted "Aye". Motion carried.

PUBLIC COMMENT

Randi Peters - Asked if the Township puts fluoride in the public drinking water. The Board advised Ms. Peter's to talk with the Water Authority regarding her issue.

BUSINESS

Planning Commission Resignation

A motion was made by Roy Timpe, seconded by Joe Rudderow, accepting Bill Moore's resignation from the Maidencreek Township Planning Commission and authorizing the Township Manager send a letter of thanks to him for his service. Hearing no questions on the motion, all members voted "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Claude Beaver, to appoint Joel High to fill the Planning Commission vacancy created by Bill Moore's resignation for the balance of his term, which expires December 31, 2008. Hearing no questions on the motion, the Board voted as follows; Mr. Timpe and Mr. Beaver voted "Aye" and Mr. Rudderow voted "Nay". Motion carried.

COMMENTS FROM THE BOARD

Mr. Beaver asked if the Planning Commission and the Zoning Hearing Board take the oath of office? Ms. Hollenbach stated that they do.

Mr. Rudderow asked Mr. Unger if the issue regarding 330 Cornerstone Drive brought up at the January, 2008 meeting had been resolved. Mr. Unger stated they are in the process of locating the property line.

Mr. Rudderow asked Mr. Unger if the issue regarding the on-street parking near 400 Main Street that was brought up at the January, 2008 meeting had been resolved. Mr. Unger stated that he had gone over during the morning and a vehicle was parked there that was not from the Third Rail. Mr. Unger stated his next step is to contact the State Highway since this is a state road.

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Since there was no further business, a motion was made by Joe Rudderow, seconded by Roy Timpe, to adjourn the February 12, 2008 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 11:00 P.M.

Township Secretary, February 12, 2008

Cc: Board of Supervisors
Eugene Orlando, Roland & Schlegel, Solicitor
Thomas Unger, Systems Design Engineering, Inc., Township Engineer
Planning Commission
Park & Recreation Board
Zoning Hearing Board and Alternates
Paul Herbein, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Patrick Donovan, Maidencreek Township Authority General Manager
JoAnn Schaeffer, Maidencreek Township Authority Secretary
Robert Hobaugh, Jr. Esq., Stevens & Lee, Authority Solicitor
Greg Unger, Systems Design Engineering, Inc., Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police