

Maidencreek Township Board of Supervisor Meeting
June 12, 2008 7:03 pm

Present: Claude Beaver, Roy Timpe, Joseph E. Rudderow III, Eugene Orlando– Roland & Schlegel, Thomas Unger & John Loeper – Systems Design Engineering, Inc., Keith Shuman – Public Works Director, Diane Hollenbach – Manager.

Guests: LP Swanson, Doug George, Fay Isamoyer, and Dan Swaglinski.

Claude Beaver called the June 12, 2008 meeting of the Maidencreek Township Board of Supervisors to order at 7:03 pm in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag. A brief moment of silence was held for Larry Kunkle who passed away recently.

POLICE REPORT –

Northern Berks Regional Police responded to 355 assignments in Maidencreek Township in the month of May. This resulted in 65 citations. The traffic fines for Maidencreek for the month of May were \$1,751.65 and non-traffic fines were \$932.09, totaling \$2,683.74. The total number of patrol hours was 855.92 for the month.

APPROVAL OF THE MINUTES

A motion was made by Joe Rudderow, seconded by Roy Timpe, to approve the May 8, 2008 Regular Meeting Minutes. Hearing no further questions on the motion, all members voted “Aye”. Motion carried.

WASTE ORDINANCE AND STORM WATER ORDINANCE – A public hearing was held prior to the meeting for public comment on both ordinances.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to approve Ordinance 213, Municipal Waste Ordinance amending Ordinance 162. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

A motion was made by Joe Rudderow, seconded by Roy Timpe, to approve Ordinance 214, Storm Water Ordinance amending Ordinance 200. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

ENGINEER’S REPORT

Subdivision Improvement Agreement LOC

Notice from Bank that Meadowbrook Phase I/II LOC will not be renewed and expires on 10/16/08 –No action required by Board at this time.

Subdivisions/Zoning -

Village @ Summit Crest Final Plan - No action required by Board at this time.

Custom Milling & Consulting – No action required by Board at this time.

Amelia’s Shopping Center – Mr. Unger reviewed with the Board the improvement plans that Mr. George (owner of Amelia’s) submitted. Mr. Unger advised the Board that the plan is in compliance with zoning and storm water regulations. The improvements do not require any type of land development plan to be submitted. The Board was fine with the improvements and

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decided that no further action is required. Mr. Unger advised Mr. George that he may proceed and is required to apply for a Zoning Permit for the fence.

Projects

Hoch Road Culvert Replacement/E. Wesner Road Culvert Removal – No action is required at the time from the Board.

Cassidy Court Storm Water – Mr. Unger updated the Board on the progress of the project and advised that all of the work being done is on the Township’s Right of Way. However, a resident who had signed the release questioned the work that was being done near his property. The homeowner threatened to sue the Township.

Executive Session was held from 7:20 p.m. to 7:34 p.m. to discuss potential litigation.

Upon returning from executive session, the Board authorized the Township Manager to defuse the situation.

Wyatt Drive Tot Lot - No action is required from the Board at this time.

2008 Annual Road Maintenance – Mr. Unger advised the Board that EJB submitted the lowest bid for the 2008 Road Project.

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Engineer to send a Notice of Intent to Award to EJB for the 2008 Road Projects for a contract amount of \$223,759.75. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Chairman to sign the 2008 Road Project contracts contingent upon review of the bid and assembly of the contract by the Engineer. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the engineer to send the Notice of Award and Notice to Proceed for the 2008 Road Projects contingent upon the project contracts being signed. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Road Crew to install a French drain to mitigate the collection of water on the northeast side of E. Wesner Road. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Storm Water Investigation/Problems –

Adele/Lindberg Ave. – No action is required at this time from the Board.

Municipal Building Site – No action is required at this time from the Board.

Limestone Acres/Davis Farm - No action is required at this time from the Board.

Subdivision Improvement Agreement LOC

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 \$74,520.84. Hearing no questions on the motion, all members voted "Aye." Motion carried.

Subdivision/Zoning - There were no reviews presented.

Sewage Enforcement Officer & Code Enforcement Officer Activity Reports - Mr. Unger stated that the reports were in the Supervisor Books for their review.

Zoning Hearing regarding an Application for a Variance at 323 June Avenue - Praise Christian Fellowship is looking to purchase/rent the former Isimac Machine building and ultimately make house of worship there. The Planning Commission made a recommendation to maintain the integrity of the zoning and keep the use of the property as industrial.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to have the Township Manager send a letter to the Zoning Hearing Board indicating that the Supervisors are not taking a position regarding the Application for a Variance at 323 June Avenue, Blandon, PA 19510 Isimac Machine Co Parcel #61-5410-07058-5440. Hearing no questions on the motion, the members voted as follows: Roy Timpe and Joe Rudderow voted "Aye", Mr. Beaver voted "Nay". Motion carried.

Esbensshade Greenhouse – Mr. Orlando reviewed the on-going situation regarding the land development at the Esbensshade property. To date, no revised land development plans have been submitted to the Township.

Executive Session was held from 8:03 p.m. to 8:25 p.m. to discuss of land development issues.

A motion was made by Roy Timpe, seconded Joe Rudderow, authorizing the Solicitor to work with the Zoning Officer to pursue enforcement of the Subdivision Land Development Ordinances with respect to the Esbensshade's property. Hearing no questions on the motion, all members voted "Aye". Motion carried.

OPERATIONS REPORT – Mr. Shuman stated that the Operations report is in the Supervisors' books for their review.

SOLICITOR'S REPORT

Ingot Drive Deed of Correction – Mr. Orlando thanked Ms. Dake and Mr. Unger for their hard work regarding the corrections that had been made to the Ingot Drive Deed. Mr. Orlando advised that the Township Manager should forward the Deed of Correction to the landowner for signature.

Comcast Franchise Renewal – No action required by the Board at this time.

Authorize Solicitor to collect outstanding Biundo Land Development Review Fees - No action required by the Board at this time.

Corrado Open Space Purchase – Petition Court of Common Pleas – Mr. Orlando advised the Supervisors that The Rule Returnable Order was signed on June 11, 2008.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Township Manager to attend the hearing regarding the Corrado Open Space Purchase on behalf of the Township. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Ordinance:

Revisions to the SIA Ordinance – No action is required by the Board at this time.

Zoning & Saldo Ordinance - No action is required by the Board at this time.

Exemption to Mandatory Water Connection -

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Township Manager to give copies of the information that the Township has received regarding Well Head Protection to the MTA Board. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

The Supervisors would like feedback from MTA Board regarding the information.

Noise Ordinance- Mr. Orlando is reviewing the draft ordinance and suggestions of distance in regulating noise disturbances.

Improvements Agreement Jantz – No action is required by the Board at this time.

Open Records Resolution – No action is required by the Board at this time.

TREASURER’S REPORT/MANAGER’S REPORT

Treasurer’s Report and Bill List –

A motion was made by Joe Rudderow, seconded by Roy Timpe, to approve the May 2008 Treasurer’s Report and Bill List. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Recycling –

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Chairman to sign the DEP Performance Grant for Recycling. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Emergency Management – House Bill 1131

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Township Manager to meet with Emergency Services to comply with House Bill 1131. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Emergency Management Meeting – Tabled.

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Discuss School Zone Flashing Light Quote - Ms. Hollenbach stated that she has only received one quote so far. Ms. Hollenbach will update the Board at the July meeting.

PUBLIC COMMENTS

Rayann Hummel - Senior Day Care at the Melrose Place lot C3. Ms. Hummel gave an overview of the proposed center. Ms. Hummel believes this use falls under Professional Services, which is allowed in the Zoning Ordinance in the C1 district. The Board advised Ms. Hummel to go to the Zoning Officer for an opinion.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to communicate to the Zoning Officer that it is the Board's opinion that the use of Adult Daycare Facility is allowable in the C1 Zoning District under Section 10.02.A1 of the Maidencreek Township Zoning Ordinance of 1993. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

NEW BUSINESS

CVS Maidencreek Improvements Agreements –

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Supervisors to sign the CVS Maidencreek Improvements Agreements. Hearing no questions on the motion, all members voted "Aye". Motion carried.

CVS Maidencreek Storm Water Operations and Maintenance Agreement –

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Chairman to sign the CVS Maidencreek Storm Water Operations and Maintenance Agreement. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Letter of Appreciation for Cabinet Donation –

A motion was made by Roy Timpe, seconded by Joe Rudderow, to send a letter from the Supervisors, thanking the Shuman Family for their donation of cabinets to the Township. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Truck Parking in Municipal Lot and Vacant Lot on Rt. 222- Ms. Hollenbach informed the Board the owner of the vacant lot on Rt. 222 has agreed to put up NO PARKING signs. However, he is having difficulty installing them and is looking for help from the Township. After a lengthy discussion, it was determined, that the Township will not install signs on private property.

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Township Manager to send a letter to the landowner of the vacant lot on Rt. 222 stating that the Township will not install signs on his property. In addition, the landowner needs take measures to further prevent violations of the Zoning Ordinance. Mr. Rudderow amended the motion to add that if the violation is not corrected in 30 days, the Township will pursue legal enforcement remedies. Roy Timpe seconded the motion. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Cornerstone Drive Traffic Data-

A motion Roy Timpe, seconded by Joe Rudderow, authorizing the Township Manager to send a letter to the Cornerstone Drive homeowner who asked for a speed bump, the Trax Mite data summary of traffic speed. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Accept Planning Commissioner Resignation and make Appointment Term Ending 12/31/2008 –

A motion was made Roy Timpe, seconded by Joe Rudderow, to accept Mr. Thren's resignation from the Planning Commission and to send a thank you letter for his service to the Township from the Supervisors. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Claude Beaver, appointing David Anspach to the Planning Commission with his term ending December 31, 2008 and to put his letter of interest with his oath of office. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Appoint Vacancy Board Chair Term Ending 12/31/2009 –

A motion was made by Joe Rudderow, seconded by Roy Timpe, to appoint Dave Brown to the Vacancy Board Chair Term Ending December 31, 2009. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Comments from the Supervisors

Mr. Rudderow was disappointed to see that the Maidencreek Community Park pavilion had rocks thrown on the roof and suggested fertilizing the grass so the rocks were harder to find. Mr. Rudderow also thanked the Maidencreek Events Committee regarding the T-Ball program this year.

Mr. Rudderow commended the Blandon Fire Company and the Northern Berks Police for their efforts responding to the fatal accident that occurred at Route 222 and Tamarack Blvd.

Mr. Rudderow stated that he and Keith Shuman had gone to the PSATS' convention and enjoyed it. Mr. Rudderow thought it might be of interest for the Township to have an AED Machine located at the Township Building. The Supervisors advised Ms. Hollenbach to call Police Chief Eaken regarding the donation of their used AED Machine. Ms. Hollenbach expressed concern about training the staff in the machine's use. Mr. Rudderow indicated the machine was self-explanatory and no training was needed.

Mr. Rudderow wanted to commend the members of the Planning Commission who have taken classes.

Traffic on Rt. 222 in Blandon–

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Township Manager, in conjunction with the Township Engineer and the Solicitor, to draft a Resolution for the Board's consideration at the next meeting for adoption which would request

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that Penn Dot engage in a Traffic Study with a view toward reducing the speed on Rt. 222 in Blandon. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

Since there was no further business, a motion was made by Joe Rudderow, seconded by Roy Timpe, to adjourn the June 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 10:08 P.M.

Recording Township Secretary, June 12, 2008

Township Secretary, June 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