

Maidencreek Township Board of Supervisor Meeting
September 10, 2009 7:20 pm

Present: Roy Timpe, Joseph E. Rudderow III, Eugene Orlando– Orlando Law Office, Tom Unger– Systems Design Engineering, Inc., Diane Hollenbach – Manager, Johanna Mattera –Recording Secretary

Guests: Attorney Koch, Attorney Becker of Kozloff, Stoudt, Dave Kesner of James Hardie, Robert Hanna of Can Corporation, Tim Krall and Vicki Krall of Spotts, Stevens and McCoy, Scott Miller of Stackhouse Bensinger, John Zidik of CMC, Jason Nix of Hollenbach Construction and Matt Doll of Boyd & Karver, Michael Hartman of McCarthy Engineering

Claude Beaver called the September 10, 2009 meeting of the Maidencreek Township Board of Supervisors to order at 7:20 pm in the Maidencreek Township Municipal Building.

A Conditional Use Hearing for the Villa at Maiden Creek was held at 6:30 pm prior to the start of the Supervisor Meeting.

POLICE REPORT –

The Northern Berks Regional Police responded to 379 assignments in Maidencreek Township in the month of August. This resulted in 65 citations. The traffic fines for Maidencreek for the month of August were \$1,481.53. In addition, non-traffic fines were \$758.39 totaling \$2,239.92. The total number of patrol hours was 811.83 for the month.

JOINT STATEMENT

Dr. Robert Hanna of Can Corporation and Dave Kesner of James Hardie Building Products made the following statement:

“We are pleased to report back to you that Mr. Dave Kesner and myself had a successful meeting today, the 10th of September. We have reached preliminary agreement on all general issues outstanding between us; with the exception to system ownership and maintenance. We will work hard to finalize all agreed upon issues before your next scheduled meeting and present our proposal regarding ownership and maintenance and answer any of your questions.”

APPROVAL OF THE MINUTES

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to approve the August 13, 2009 regular meeting minutes. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

ENGINEER'S REPORT

Subdivision Review Status Checklist -

Village @ Summit Crest (Public Water) Final Plan Time Extension requested to 12/15/2009 -

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to accept the time extension request to 12/15/2009 for Village @ Summit Crest Final Land Development Plan (Public Water). Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Village @ Summit Crest (Community Water) Preliminary Plan Time Extension requested to 12/15/2009 -

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to accept the time extension request to 12/15/2009 for Village @ Summit Crest Preliminary Land Development Plan (Community Water). Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Subdivisions/Zoning -

Custom Milling Consulting Final Land Development Plan, see SDE letter dated 9/8/2007-

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to approve the Custom Milling Consulting Final Land Development Plan based on the representations of the applicant that prior to the Certificate of Occupancy being issued bumper blocks will be installed in accordance with Township requirements on new parking spaces. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Solar Energy Regulations - Mr. Beaver commented that he read in the Reading Eagle that a nearby Township is allowing a solar field to be built and that the Township should look into regulations for this type of project. Mr. Beaver also stated that he watched a local broadcast regarding wind generation. Mr. Beaver stated that some are small enough to be used in closely developed areas. Mr. Unger stated that the Planning Commission is recommending not to allow them in the denser residential areas.

Projects

Annual Street Work - Mr. Unger advised the Board that the work has been completed on Kemmerer Road.

309 Sycamore Lane - Mr. Unger advised the Board that there are no easements; therefore the storm water swale is on private property. A letter has been sent to the homeowner communicating this. No action was taken.

Schaffer Road/Faith Drive intersection 4-way stop - No action required by the Board at this time. The Engineer is gathering information on the intersection.

Longleaf Drive storm water pipe – No action required by the Board at this time. The Township is waiting for the temporary construction easement agreement.

Swale at June Avenue and Excelsior Drive – Mr. Unger advised the Board that SDE has looked at the storm water swale at June Avenue and Excelsior Drive. The swale is developing sinkholes and needs to be repaired.

A motion was made by Joe Rudderow III, seconded by Roy Timpe, authorizing the Solicitor to prepare a Temporary Construction Easement for repair to be made to the swale at June Avenue and Excelsior Drive. Hearing no questions on the motion, all members voted "Aye". Motion carried.

PUBLIC WORKS – Ms. Hollenbach stated that the Operations Report is in the Supervisor Books for their review.

SOLICITOR'S REPORT

Mutual Aid Agreement between Township Police Departments – Tabled.

Ingot Drive deed of corrections – To be discussed in executive session.

Dries Road Right Turn Only Sign at Rt. 222 N and Dries Road on the Maidencreek Township side – Ms. Hollenbach forwarded a Mutual Co-Operation Agreement between Ontelaunee and Maidencreek Townships to Mr. Orlando for his review. Mr. Orlando advised the Board that the agreement does not state anything regarding traffic control.

A motion was made by Joe Rudderow III, seconded by Roy Timpe, authorizing the Township Manager to send a letter to Ontelaunee Township requesting their co-operation in amending our existing Mutual Co-Operation Agreement to include traffic control in general and specifically with regard to the Right Turn Only on Dries Road and Rt. 222 North. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Comcast & Service Electric Franchise Renewal Agreements – Tabled for the Solicitor and Manager's review of the submitted proposals from Service Electric and Comcast.

Proper procedure with regard to the use of the Township Road Crew and Maidencreek Township Water Authority – To be discussed in executive session.

Villa at Maidencreek Conditional Use - Mr. Doll, attorney for Villa at Maiden Creek is asking for Conditional Use approval.

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A motion was made by Joe Rudderow III, seconded by Roy Timpe, to grant a conditional use approval to Villa at Maidencreek provided that the additional documentation on ownership is received and found satisfactory by the Township Solicitor, provided that the property is developed consistent with the testimony presented at the hearing, full compliance with all other statutes, ordinances and regulations that would be applicable to the development which would include but is not limited to final plan approval. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

COMMUNICATIONS & QUESTIONS -

From the Board – None.

From the Manager & Professionals –

Ms. Hollenbach advised the Board that the Berks County Convention of Township Officials would be held on October 15, 2009. Ms. Hollenbach needs to know who will be attending by October 1st.

Center for Community Leadership – Ms. Hollenbach advised the Board that Chief Eaken would like someone to represent Maidencreek Township at the September 29th meeting on the countywide policing study.

The Coca Cola Tour will be held on September 30th, from 11-3 pm.

The electricity bid is being rebid in September.

Ms. Hollenbach advised Mr. Orlando that the Township office received an Open Records request for all police reports filed by the resident of 134 S. View Road. Mr. Orlando asked Ms. Hollenbach to fax the request to his office for his review and will than make his recommendation.

Public Comment – None

TREASURER'S REPORT/MANAGER'S REPORT

Treasurer's Report and Bill List

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to approve the August 2009 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

PARK AND RECREATION –

Cornerstone Drive Tot Lot Equipment Purchase – Will be purchased in November.

ORDINANCES

Act 537 On Lot Sewage Management – Public Hearing October 8, 2009 at 6:45 pm.

RESOLUTIONS –

Resolution #16-2009 Adopt 2010 Pension Minimum Municipal Obligation -

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to adopt Resolution #16-2009 2010 Pension Minimum Municipal Obligation. Hearing no questions on the motion, all members voted "Aye". Motion carried.

OLD BUSINESS –

Schedule Budget Workshop – Tabled.

NEW BUSINESS

Health Insurance Renewal –

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to renew the health insurance contract with Highmark Blue Shield with a \$1,000 deductible if the Police Commission chooses to stay with the Township. If the Police Commission separates from the Township, the Township and Authority health insurance will be changed to Aetna. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Audit Engagement Letter – Ms. Hollenbach advised the Board that Kosmerl & Company PC, CPA is going to keep the pricing for the annual audit the same for 2010.

A motion was made by Joe Rudderow III, seconded by Roy Timpe, approving Kosmerl & Company PC, CPA as the auditor for 2010 at a cost of \$4000. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Meeting Audio Tape Retention –

A motion was made by Joe Rudderow III, seconded by Roy Timpe, authorizing Ms. Hollenbach and Mr. Orlando to work together on amending the Pennsylvania Historical and Museum Commission's Retention and Disposition Schedule for Records of Pennsylvania Municipalities. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Authorize Public Bid of Residential Curbside Recycling Contract – The Supervisors agreed to extend the Waste Management Contract for the final one-year period if Waste Management kept the renewal cost at 4%.

200 Faith Drive – Property Maintenance - Ms. Hollenbach informed the Board that the property maintenance has been taken care of at 200 Faith Drive, Blandon.

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Status of Summer Help –

A motion was made by Joe Rudderow III, seconded by Roy Timpe to retain Ty Garl as a part time seasonal worker until October 31, 2009. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

State Representative Jerry Knowles Request to Use Township Building – Ms. Hollenbach advised the Board that State Representative Jerry Knowles would like to use office space in the Township building once a month. If the residents use this service, Mr. Knowles would request more time.

A motion was made by Joe Rudderow III, seconded by Roy Timpe, allowing Representative Jerry Knowles to use office space in the Township building. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

An Executive Session was held from 8:26 pm – 9:35 pm to discuss litigation regarding Ingot Drive and personnel issue regarding MTA's use of the Road Crew.

Ingot Drive Litigation –

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to confirm the action that was taken by the Solicitor based on earlier direction from the Board. Hearing no questions, on the motion all members voted "Aye". Motion carried.

Joe Rudderow III asked the Solicitor about Act 47.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joe Rudderow III, to adjourn the September 10, 2009 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted, "Aye". Motion carried. Meeting adjourned at 9:55 P.M.

Recording Township Secretary, September 10, 2009

Liane Hollenbach

Township Secretary, September 10, 2009