

Maidencreek Township Board of Supervisor Meeting
September 11, 2008 7:00 pm

Present: Claude Beaver, Roy Timpe, Joseph E. Rudderow III, Eugene Orlando— Orlando Law Offices, Tom Unger, PE – Systems Design Engineering, Inc., Keith Shuman – Public Works Director, Diane Hollenbach – Manager.

Guests: David A. Tranquillo, Carl Weston, Tina Stewart, Carole Duran, JJ Riola

Claude Beaver called the September 11, 2008 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 pm in the Maidencreek Township Municipal Building.

POLICE REPORT –

Officer Drazanovich reported that Northern Berks Regional Police responded to 311 assignments in Maidencreek Township in the month of August. This resulted in 53 citations. The traffic fines for Maidencreek for the month of August were \$973.22 and non-traffic fines were \$568.32, totaling \$1,541.54. The total number of patrol hours was 797.53 for the month.

Officer Drazanovich informed the Board that there have been a rash of break-ins in the area. Officer Drazanovich stated that most of the break-ins have been in motor vehicles and reminded everyone to lock their vehicles.

APPROVAL OF THE MINUTES

A motion was made by Roy Timpe, seconded by Joe Rudderow, to approve the August 14, 2008 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 Final Plan expires 9/11/08 - Mr. Unger advised the Board that a revised Preliminary/Final Plan was submitted at the August, Planning Commission meeting. Mr. Bradley asked the Planning Commission not to review the plan. Mr. Orlando suggested that the 2nd Preliminary Plan submitted be withdrawn prior to the October Planning Commission meeting.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to accept the time extension for the review of the Village of Summit Crest, Phase III Final Plan until December 11, 2008. 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 Township Manager to contact the developer of the Village at Summit Crest, Phase III to request a formal withdrawal letter for the 2nd preliminary plan prior to the October 2008 Planning Commission meeting. Hearing no questions or comments on the motion, all members voted “Aye”. Motion carried.

Subdivisions & Zoning –

Meadowbrook Phase I/II LOC expires 10/16/08

A motion was made by Roy Timpe, seconded by Joe Rudderow, to authorize the Solicitor to contact the developer of Meadowbrook Phase I/II to post financial security in the amount of

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\$64,600.00 by the October 9, 2008 meeting, and authorize the Solicitor to draw down on the LOC per the Improvement Agreement if no financial security is posted. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Sarah Care Senior Day Care – Preliminary/Final Plan - Mr. Unger reviewed Systems Design Engineering, Inc.'s review letter dated August 28, 2008 for the Sarah Care Senior Day Care Land Development Plan and the letter from the Blandon Fire Company No. 1.

A motion was made by Joe Rudderow, seconded by Roy Timpe, to approve the preliminary/final plan of the Sarah Care Senior Day Care Land Development Plan contingent upon completion of the items in the the SDE review letter dated August 28, 2008, adding notes to the plan for the items in the letter from the Blandon Fire Company No. 1 and adding landscaping along the parking lot to the South-East of the dumpster. Hearing no questions, all members voted "Aye". Motion carried.

National Cleaners - The Board advised the owner of National Cleaners that a revised plan would have to be submitted by CVS to change the direction of the one way driveway connecting National Cleaners to the CVS parking lot.

Projects

Hoch Road Culvert Replacement – Mr. Unger advised the Board that the work is complete on the Hoch Road culvert.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to authorize payment of application #2 in the amount of \$36,772 to DESCCO. Hearing no questions on the motion, all members voted "Aye". Motion carried. Ten percent of the contract price has been retained during the maintenance period.

Cassidy Court Storm Water – Mr. Unger advised the Board that all residents on Cassidy Court involved in the storm water project have signed the agreement except for Mr. Liptak. Ms. Hollenbach asked for the Board's guidance regarding this issue.

Executive session was held from 8:00 p.m. to 8:15 p.m. to discuss possible litigation.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Solicitor to send Mr. Liptak a letter along with a revised Easement Agreement, and that if certain conditions that were discussed in Executive Session are not met, the Solicitor is authorized to pursue litigation against that property owner. The Chairman asked if there are any questions or comments from the floor. Mr. Tranquillo asked what the motion was about. Mr. Timpe said they are talking about a swale that is on private property that is not flowing the right way. Mr. Tranquillo asked if this was not done according to plan. Mr. Timpe explained that the swale was done and inspected approximately 18 years ago. Mr. Timpe said that it could be any number of reasons as to why the swale filled in. Mr. Unger stated that the cost for the repair is being incurred by the builder. Hearing no further questions or comments on the motion, all members voted "Aye". Motion carried.

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Wyatt Drive Tot Lot - Mr. Unger and Ms. Hollenbach updated the Board on the lack of progress on the project. Unfortunately, letters have been sent to the contractor to inform him that he is beyond the completion date and that penalties may be incurred as stated in the contract. Mr. Unger also informed the Board that some of the equipment is damaged and needs to be replaced. Mr. Rudderow suggested waiving the penalty as an incentive to the contractor to finish by a certain date, which will be set by the Board. Mr. Timpe felt that the contractor should be required to adhere to the contract terms.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Solicitor to review the contract documents and send a letter to Progressive Products & Materials to have the project completed by October 3, 2008. If not completed the Township may proceed to draw down on the bond and find another contractor to complete the project. The Chairman asked if there were any questions or comments. Mr. Tranquillo asked if the contractor's competency was checked. Mr. Unger stated that SDE checked out the Contractor's references prior to awarding the bid. Hearing no further questions or comments on the motion, all members voted "Aye". Motion carried.

2008 Annual Road Maintenance – Mr. Unger stated that the annual street project is complete and that EJB Paving did a good job. Mr. Beaver stated that he received complaints regarding the lack of a flagman on Lee Spring Road and Guldin Road. Mr. Unger stated that he also received complaints on the same issue. The Township Manager will need to sign the time extension change order that was approved at the last meeting. And because of the delay of the road work from August to September there was a decrease in the escalation index from 834 in August to 797 in September. This will save the Township money.

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 \$4,399.65. Hearing no questions on the motion, all members voted "Aye." Motion carried.

Subdivision/Zoning –

616 Guldin Road – Mr. Unger stated that there have been complaints regarding weeds, cars and garbage. Ms. Hollenbach stated that the residents in that area have been calling the Township office to complain. Ms. Hollenbach stated that property is a rental property and that the landlord has been properly contacted regarding this issue and has not cleaned up.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Code Enforcement Officer to issue citations as appropriate. The Chairman asked for questions or comments on the motion. Mr. Tranquillo wanted to know if there is an ordinance in place regarding this issue, making the property owner responsible to correct the issue and if not the Township should clean up the property and a lien for the cost should be placed against the property. The Board advised that there is an ordinance in place that covers weeds, trash and abandoned vehicles. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

OPERATIONS REPORTS –

Mr. Shuman had emailed the Board asking to purchase a new truck. Mr. Shuman received pricing from the following companies that are good until the end of September:

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2009 GMAC 8500 about a 3900 GVW from the PAC Contract - \$65,232.41
2009 GMAC 8500 3900 GVW Co-Star from Penske - \$64,619.29
2009 Freightliner 3900 GVW from Berman Freightliner – \$64,531.29

The price for upfits including installation are as follows, also the build dates will be late November – December and we would not see the truck until March, 2009:

Co-Star EM Kutz \$37,875.00 prices good until 9/21/08

Co-Star Lancaster \$38,195.00

All the trucks run on diesel fuel.

Mr. Timpe informed the Board that after receiving Mr. Shuman's email, he stopped by Haldeman Ford to check out rebates that they were advertising on a Ford E350 with diesel, 4 wheel drive, dual rear, with a dump body. The price after rebates would be \$38,900.00. Mr. Timpe understands that we would need to add a plow and spreader and that this is a smaller truck.

Mr. Rudderow asked if the TopKick is ready to go for this plowing season and what is it used for? Mr. Shuman stated that it is used for snow plowing: Schaeffer Road, East and West Wesner Roads, Hoch Road, the Meadowbrook Development, the Shadow Ridge Development and West Walnut Tree Drive. Mr. Shuman stated that if the Board is going to replace the truck, then no work needs to be done to it. However, if they decide to keep the truck, than the steering and the hydraulics need to be looked at.

Ms. Hollenbach advised the Board that financing would have to be pursued if the Board decides to purchase another new truck and that a new truck was purchased in 2008. The Board advised Mr. Shuman to get estimates on repairing the TopKick and the other vehicles listed on the Equipment Status report by the October meeting. The Board will discuss the possibility of purchasing a new truck during the 2009 Budget meeting to be held on October 22 at 7:30 pm.

SOLICITOR'S REPORT

Review Letter from inmate –Cochran pool permit - Ms. Hollenbach informed the Board that she provided Mr. Eline with the information he requested regarding permits and inspection reports for the job he had done for Mr. Cochran. Ms. Hollenbach also, informed Mr. Eline that at that time this permit was issued, the Township was not required to do inspections on accessory structures under the building code we were using. Mr. Orlando asked Mr. Unger if we could inspect the work now. Mr. Unger explained that it is not possible.

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Township Manager to notify the property owner that a concern regarding the electrical work done around his pool has been brought to the Township's attention, and the Township, based on the facts as it understands them, is not in a position to determine or verify the concern one way or another. If true, the electrical work certainly poses a risk to invitees and family members of the property owner, and the property owner may be wise to take appropriate action. The Board also authorizes the Township Manager to communicate with Mr. Eline and advise him of the action the Township has taken. The

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Board also advised the Township Manager to send the letter certified mail with signature required to property owner. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Ingot Drive deed of correction – No response was received from Tighe Holdings. The Manager was instructed to look back through previous minutes to determine if the Solicitor was previously authorized to take further action in the matter.

Comcast Franchise Renewal –

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Solicitor and Township Manager to create a counter proposal to the agreement submitted by Comcast. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Biundo Land Development Review Fees - Mr. Orlando advised the Board that a complaint has been sent to Judge Gauby. Mr. Orlando advised the Board that once the hearing is set up, the Township Manager will need to attend.

Esbenshade's Greenhouse – Mr. Orlando advised the Board that Mr. Merv Heller, solicitor for Mr. Esbenshade had contacted his office and that are they actively working to correct the situation.

Ordinance

The following ordinances are being reviewed: Zoning & Saldo Ordinance, Well Head Protection Ordinance, Noise Ordinance and Open Records Resolution. No drafts were presented and no action is required by the Board at this time.

Executive session was held from 9:38 p.m. to 9:45 p.m. to discuss personnel issues- no action taken.

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 August 2008 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Community Days – Ms. Hollenbach advised the Board that Community Days will be on Saturday, September 27, 2008 from 1:00 p.m. – 5:00 p.m.

Halloween Trick or Treat –

A motion was made by Roy Timpe, seconded by Joe Rudderow, to designate October 31, 2008 from 5:00 p.m. to 9:00 p.m. as Maidencreek Township's Trick or Treat night. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Traffic Light at Excelsior Drive – Ms. Hollenbach informed the Board that the light should be operational on September 16, 2008.

Corrado Land Sale –Ms. Hollenbach informed the Board that the Corrado Land sale has been finalized.

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Truck Parking Vacant Lot Next to TopStar - Ms. Hollenbach informed the Board that the owner of the lot next to TopStar has place concrete barriers to block the lot.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to send a letter to Penn Dot requesting "no parking" signs be placed on Allentown Pike from Rt 73 to Rick's Bait and Tackle. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Grant – Ms. Hollenbach informed the Board that Senator Rhoades' office contacted her regarding a the availability of five to ten thousand dollars in grant money. The Board felt this money could be used to refurbish some equipment. Claude Beaver asked Keith Shuman if the Township were to purchase the truck discussed earlier to replace Truck #1 the 1995 TopKick, would we trade in the TopKick. Keith Shuman responded that we could or sell the TopKick plus the other truck we replaced last year, the old #3, the 3500 HD. Mr. Shuman had been waiting to sell everything all at once and promised the Board a list of everything to sell at the budget meeting.

Joe Rudderow asked, "What is #3 used for?"

Mr. Shuman responded, "The old truck or the new truck?" Mr. Rudderow clarified as asking about the old truck #3. Mr. Shuman said, "It is not being used for anything at this point. I retired it." Mr. Rudderow asked how old the truck was. Mr. Shuman stated it was 13 years old.

Mr. Timpe asked, "Is it enjoying its retirement?"

Mr. Shuman stated, "We have the plow on it and it's ready to go."

Mr. Timpe asked, "It's ready to go?"

Mr. Shuman responded, "Well, I don't want to use it but yes, its ready for winter."

Joe Rudderow asked, "It's operational?"

Mr. Shuman responded, "Well, we had to steal the plow pump off of it because someone stole one." Someone had stolen the plow pump off of #4 when they stole the scrap metal.

Roy Timpe asked, "So, #3, the old #3, beside from the fact that we pillaged the plow pump off of it, it is functional?"

Keith Shuman responded, " It's functional. Like I said, you can look to sell that. You can look to sell the TopKick."

The Board discussed the value of the trucks. Mr. Shuman estimated that the 3500 HD would bring \$3500 if sold and the TopKick might bring \$8000 if sold. Mr. Shuman advised that the Board could possibly use the grant money to purchase the 22 tires that are needed for the equipment and to repair the Top Kick if the Board does not want to purchase a new truck.

Claude Beaver asked, "What size is truck #3?"

Keith Shuman responded, "3500 HD, that's heavy duty."

Gene Orlando asked, "Is that like a one ton truck with extra suspension?"

Keith Shuman responded, "Yeah, it has a big engine."

Claude Beaver asked, " It does have a plow and spreader?"

Keith Shuman responded, "Yes."

Gene Orlando asked, "And it's all ready to go?"

Keith Shuman responded, "Yeah."

Claude Beaver, looking at the Equipment Status Report, stated, "The report says it is not ready to go. Is that because of the plow pump?"

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Keith Shuman, looking at the report stated, "Before I comment on that let me look at the sheet. Yes, it says poor condition. Okay, Ready for Service it says no. I think he put that because its not really in service. We're not really using it on a regular basis."

Claude Beaver asked, "Keith Guistwite put that down?"

Keith Shuman responded, "Yes."

Claude Beaver asked, "You didn't fill this out?"

Keith Shuman responded, "No, Keith did. He's the mechanic so he kind of went over everything."

Diane Hollenbach added, "I had Keith Shuman sign that he reviewed it (the report) with him."

Roy Timpe stated, "The old #3 is essentially a 1 ton chassis. Its heavy duty, so in a lot of ways it's very similar to the truck Haldeman has discounted. You know it's 1 ton, it's 4 wheel...Actually, it's a bit better. It's 4 wheel drive. It's diesel. It's got more torque. I'm kind of curious if you have free time, should we ask Keith to drive the old #3 to Haldeman's and ask the guy what he would give for a trade?" The Board agreed that this was a good idea. Keith Shuman suggested asking the GM dealer what the truck was worth. Roy Timpe suggested, "Yeah or you could run it to maybe both places. It probably would do it good to limber itself up in its retirement by put-putting over to Haldeman and Penske."

Keith Shuman agreed, "All right, no problem."

The Board decided that the Grant would be needed for repairs on the equipment listed on the Equipment Status Report. Ms. Hollenbach stated she will need the costs for the repairs to fill out the Grant Application.

PARK & RECREATION

Motion to approve opening a money market account at 3.500% APY at Affinity Bank –

A motion was made by Roy Timpe, seconded by Joe Rudderow, approving the opening of a Money Market Account at Affinity Bank with a rate of 3.500% APY. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Recommend that the Supervisors do not pay for the solar lighting in the Wyatt Drive Contract as the Contractor can not provide it – No action required by the Board at this time.

PUBLIC COMMENTS – No Public Comment

RESOLUTIONS

Resolution 2008-17 Minimum Municipal Obligation prepared by Chester Perfetto Agency

A motion was made by Roy Timpe, seconded by Joe Ruddrow, to approve Resolution 2008-17 Minimum Municipal Obligation prepared by Chester Perfetto Agency in the amount of \$38,386.00. The Chairman asked if there were any questions on the motion. Mr. Timpe asked if Chester Perfetto did the actuarial? Ms. Hollenbach said, "No, Standard Insurance does the actuarial calculation and than I provide Chester Perfetto with the payroll numbers."

Mr. Timpe said "The actuarial calculation is done every two years." Ms. Hollenbach added that we are audited by the State Attorney General every three years.

Mr. Timpe said, "If you give out a lot of raises the pension benefit is a percentage of the salary. The actuary will than tap you on the shoulder the next time the actuarial is done and advise you that

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the future pay out will be larger, therefore more funding will be needed.” Hearing no further questions or comments on the motion, all members voted “Aye”. Motion carried.

NEW BUSINESS

Personnel Committee Meeting – September 17, 2008 @ 7:30 pm.

Discuss spending limit/purchase orders – Ms. Hollenbach advised the Board that they have started using purchase orders for anything over \$100.00 and for any office purchase a purchase order has always been generated.

Health Insurance Renewal – Ms. Hollenbach advised the Board that Highmark Blue Shield has two plans that can be offered to the employees and the Police Department, the existing plan and a similar plan with a \$500 deductible. Ms. Hollenbach reviewed the plans with the Board and advised that the employee can then choose either plan; however the Township union contract requires Township employees to begin paying in if they choose the existing health insurance policy. The \$500 deductible plan is about half the proposed increase of the existing plan, which will save the Township \$8,000 in 2009. In order to make the plan similar as required by the Township union contract, the Township must self insure the deductible. Ms. Hollenbach also advised the Board that she will be providing additional Health insurance plans to choose from at the October Meeting. Ms. Hollenbach will be giving a copy of the Highmark plans to Maidencreek Township Authority and the Police Department.

A motion was made by Roy Timpe, seconded by Joe Rudderow, that the Township renew the health insurance with Highmark Blue Shield, giving the employees the option of choosing the \$500 Deductible plan or the existing plan. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Executive session was held from 10:23 p.m. to 10:25 p.m. to discuss personnel issues - no action taken.

Additional Police Officers to be added to the force – Mr. Timpe reviewed with the Board the request from Police Chief Eaken for two additional police/detectives. Mr. Timpe is looking for direction from the Board. The Board advised Mr. Timpe to email Chief Eaken for a copy of the budget, so that the Board may review it during the Township's budget meeting and suggested the department hire an intern to help with the paperwork. Mr. Timpe would like the Board members to attend the next Police Meeting because that is when the budget will be rolled out.

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing payment of \$15,000.00 to Northern Berks Regional Police to purchase two additional cars. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Comments from the Supervisors –

Mr. Timpe would like a blurb put in the next few newsletters regarding the change in requirements for decking nails. Mr. Unger will write the blurb for the newsletter.

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Mr. Beaver wants to look at private wind mills, solar panels, after reading the news article regarding Longswamp Township's regulation. Ms. Hollenbach will advise the Planning Commission to look into this situation.

Mr. Beaver would like a letter sent from the Board to the residents on Wyatt Drive explaining the Wyatt Tot Lot situation.

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

Recording Township Secretary, October 9, 2008

Township Secretary, October 9, 2008

Cc: Board of Supervisors
Eugene Orlando, Orlando Law Offices
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