

Maidencreek Township Board of Supervisor Meeting
October 14, 2010 7:02 pm

Present: Claude Beaver, 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: Richard Wick, Jason Shaner of McCarthy Engineering, Julie Lewis, and Val Laxis of Reading Eagle

Claude Beaver called the October 14, 2010 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:02 pm in the Maidencreek Township Municipal Building. Claude Beaver adjourned the Board of Supervisors Meeting at 7:03.

PUBLIC HEARING -

Claude Beaver called the October 14, 2010 public hearing over to Gene Orlando at 7:03 pm. Mr. Orlando advised the Board that this is a time that has been advertised for a public hearing for the consideration of amendment to the Maidencreek Code to add a new Chapter #204 Cable Service Providers, Ordinance #226. Mr. Orlando advised the Board of the following Board Exhibits:

1. Proof of publication of notice of this public hearing, which was advertised in the Reading Eagle on October 6, 2010.
2. Copy of the full text of the Ordinance, which also contains the stamp of the Berks County Law Library dated October 6, 2010, evidencing the fact that an attested copy of this Ordinance was filed with the Berks County Law Library.
3. Transmittal letter from Mr. Orlando is dated October 6, 2010, evidencing the fact that attested copy of Ordinance was forward to the Berks County Law Library.
4. Transmittal letter from Mr. Orlando's office to the Reading Eagle Company dated October 6, 2010 evidencing the fact that the full text of this Ordinance was forwarded to the Reading Eagle.

Mr. Orlando advised that the purpose of Ordinance #226 is to modify the prior Cable Franchise Ordinance and to reaffirm the principals that the ordinance is intended to comply with State and Federal law where applicable.

Mr. Orlando asked if anyone here wishes to offer testimony, make any comment or provide any input in connection with the amendment to our Code of Ordinance #226 entitled Cable Service Providers. Mr. Orlando asked if there is any additional comment from the public or the Board. There was no public or Board comment made.

Mr. Orlando advised that the Board advertised that immediately following this public hearing the regular monthly meeting of the Board of Supervisors will be convened and at which time; the Board intends to adopt this same Ordinance.

The Chairman closed the public hearing on Ordinance #226 at 7:07 pm.
The Chairman reopened a public hearing at 7:07 pm.

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Mr. Orlando advised the Board that this is a time that has been advertised for a public hearing for the consideration of amendment to the Maidencreek Code of Ordinances. This ordinance is intended to supplement our Code of Ordinances by amending Chapter 204, Ordinance #227, which covers traffic topics. Mr. Orlando advised the Board of the following Board Exhibits:

1. Proof of publication of notice of this public hearing, which was advertised in the Reading Eagle on October 6, 2010.
2. Copy of the full text of the Ordinance, which also contains the stamp of the Berks County Law Library dated October 6, 2010, evidencing the fact that an attested copy of this Ordinance was filed with the Berks County Law Library.
3. Transmittal letter from Mr. Orlando is dated October 6, 2010, evidencing the fact that attested copy of Ordinance was forward to the Berks County Law Library.
4. Transmittal letter from Mr. Orlando's office to the Reading Eagle Company dated October 6, 2010 evidencing the fact that the full text of this Ordinance was forwarded to the Reading Eagle.

Mr. Orlando asked if anyone wished to offer testimony, make any comment or provide any input in connection with the amendment to the Code of Ordinance #227 entitled Traffic Ordinance. There was no public or Board comment made.

Mr. Orlando advised the Board advertised that immediately following this public hearing, the regular monthly meeting of the Board of Supervisors would be convened at which time, the Board intends to adopt this same Ordinance.

The Chairman closed the public hearing at 7:10 pm.

The Chairman opened the regular scheduled meeting at 7:10 pm.

POLICE REPORT –

The Northern Berks Regional Police responded to 324 assignments in Maidencreek Township in the month of September. This resulted in 109 citations. The traffic fines for Maidencreek for the month of September were \$1,851.92. In addition, non-traffic fines were \$552.43 totaling \$2,404.34. The total number of patrol hours was 862.50 for the month.

APPROVAL OF THE MINUTES

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to approve the September 15, 2010 regular meeting minutes. Hearing no questions on the motion all members voted as follows "Aye". Motion carried.

ENGINEER'S REPORT

Subdivision Review Status Checklist – None.

Subdivisions/Zoning

Village @ Summit Crest Preliminary Plan (Private Water System) – Mr. Unger advised that the Planning Commission reviewed the Village at Summit Crest 3 Preliminary Plan and may make a decision at the next Planning Commission meeting.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Solicitor or Engineer, or both to contact the Developer to remind him of previous offers he made and indicate that it would be appreciated that they be renewed and to adjust for inflation. The Chairman asked if there were any questions or comments from the floor. Mr. Timpe asked the Solicitor about a recent court case, if we need to be concerned about the way this occurs. Mr. Orlando stated that he was not concerned the last time this occurred, as long as that same process is followed this time. Mr. Orlando stated he believes we are not any jeopardy of violating any issues that he is aware of. Hearing no other questions on the motion, all members voted, "Aye". Motion carried.

Villa at Maidencreek Revision to Plan of Record – Mr. Shaner of McCarthy Engineering advised that corrections had been made to the clear site triangle on the Plan of Record.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to approve the Revision to the Plan of Record for the Villa @ Maidencreek reducing the clear site triangle and contingent upon the Township Solicitor receiving the modified Developer's Improvements Agreement and Storm Water Management Agreement within the next 5 days. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Projects

2010 Annual Street Project

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, approving the payment to Reading Site Contractors in the amount of \$69,306.30 contingent upon project approval by Penn DOT. Hearing no questions on the motion, all members voted "Aye". Motion carried.

West Shore Drive Bridge – Mr. Unger updated the Board on the West Shore Drive Bridge. One of the recommendations is to have the culvert cleaned out. Mr. Unger stated that SDE is in the process of getting some quotes for the clean out.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the manager to sign the PA DEP permit application. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Subdivision Improvement Agreement LOC

A motion was made by Roy Timpe, seconded by Joe Rudderow III, to authorize the Chairman to sign the Subdivision Improvements Agreements LOC/Escrow release letters in the amount of \$65,774.16. Hearing no questions on the motion, all members voted "Aye." Motion carried.

PUBLICS WORKS

Mrs. Hollenbach stated that the Operations Report is in the Supervisor Books for their review.

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Truck #5 – Mrs. Hollenbach advised the Board that Truck #5 needs a new fuel injector. A quote of a single port cost \$800.00 for the unit plus extra for installation. A multiport will be about \$800.00 for part and installation together.

A motion was made by Roy Timpe to install the multiport on Truck #5. Mr. Timpe amended the motion to give the Township Manager the liberty to go with whichever one is cheaper with part and installation once we get a more firm quote. Joseph Rudderow III seconded this motion. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Truck #6

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to authorize repair on Truck # 6 for new body hinge pins and plow frame not to exceed \$1,200.00. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Truck #4– No action taken by the Board at this time for repair of the speedometer.

The Backhoe (580)

A motion was made by Roy Timpe, seconded by Joseph Rudderow III to authorize additional quotes for the fluid change on the Backhoe (580). Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

The Loader (621) requires service in 150 hours (filters and fluids) - No action taken by the Board at this time.

SOLICITOR’S REPORT

Larken Appeal Brief presented to Appeals Board by October 6, 2010 – No action required by the Board at this time.

Comcast & Service Electric Franchise Renewal Agreement -

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the Chairman to sign the Service Electric Franchise Renewal Agreement. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

Review of Crown Castle Cell Tower Lease Renewal - Mr. Orlando advised the Board that tower companies like to have 20-25 year renewal terms and Mr. Orlando wanted to compliment the Township Manager for the negotiation of the renewal. More details to be discussed, in executive session.

Agricultural Security Area 7-Year Review – Hearing November 11, 2010 – No action required by the Board at this time.

COMMUNICATIONS & QUESTIONS -

From the Board

Mr. Beaver asked Mrs. Hollenbach to give a brief overview of the Joint meeting that was held between the Township Supervisors and Maidencreek Township Water Authority on Wednesday October 13, 2010.

Mr. Rudderow advised that on Tuesday November 16, 2010, PSATS is holding their standing annual committee meeting. Mr. Rudderow also advised the Board about the Berks County Township Association of Township Officials and the Resolution which is up for vote at the next meeting regarding pay and attendance.

Mr. Beaver advised that the Berks County Planning Commission is recommending that certain areas be changed to light industrial. The Township Planning Commission is going to look at this possibility. Mr. Orlando advised about the overlay that the Berks County Planning Commission is recommending.

From the Manager & Professionals

Mr. Unger advised the Board that emails were put out today by the PA Association of Building Code Officials that an amendment has been made to the Bill to delay the requirement for residential sprinklers for one year.

Public Comment – None.

TREASURER'S REPORT/MANAGER'S REPORT

Treasurer's Report and Bill List

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to approve the September 2010 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted as follows: Claude Beaver and Roy Timpe "Aye", Joseph Rudderow III "Abstained". Motion carried. Mr. Beaver asked why Mr. Rudderow abstained. Mr. Rudderow stated that a purchase of rain suits was made through his company and that is reason for the abstention.

Approve Mileage for Third Quarter of 2010 for Rita Agnetti

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, approving the payment of third quarter mileage payment to Rita Agnetti in the amount of \$106.00. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

ORDINANCE

Cable Franchise Ordinance #226

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to adopt Ordinance #226. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Traffic Ordinance #227

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adopt Ordinance #227. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

RESOLUTION

Resolution #23-2010 Appointment of Berks EIT as Act 32 Tax Collector

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adopt Resolution #23-2010 Appointment of Berks EIT as Act 32 Tax Collector. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Additional Street Lights in Meadowbrook – Tabled.

OLD BUSINESS

Reapproval of the Excelsior Industrial Park Lot 42, 43 & 44 Annexation Plan

A motion was made by Roy Timpe seconded by Joseph Rudderow III, to reapprove the Excelsior Industrial Park Lot 42, 43 & 44 Annexation Plan. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Award Recycling Contract – The Board discussed at length the recycling bids.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, awarding the Recycling Contract to JP Mascaro for Option 3 for year ending 2011, \$103,416.00 and year ending 2012 for \$106,392.00. Hearing no questions on the motion all members voted, "Aye". Motion carried.

Ms. Hollenbach advised the Board that this change would be published in the Township Newsletter.

NEW BUSINESS:

Removal of Fire Police Personnel

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to remove Greg Vullings from the Fire Police. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Resignation of Ken Schnader from the Authority Board

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to accept Ken Schnader's resignation from the Maidencreek Township Authority Board and to send him a letter of thanks for his many years of service. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to appoint Marie Coraluzzi to the Maidencreek Township Authority to fill out the balance of Ken Schnader's term. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Leash Law Request from Resident – The Board turned this issue over to Park & Recreation.

Electric Supplier Choice – No quotes received at this time.

Pension Plan – No further information received at this time.

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2011 Budget – Mrs. Hollenbach reviewed with the Board the Township's portion of the Police Budget that is paid by Maidencreek Township. The Board directed the Township Manager to advise the Police Chief to make more adjustments to the proposed budget.

Health Care Insurance Plan

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to keep Highmark Blue Shield as the health care provider for the year 2011. Hearing no questions on the motion, all members voted, "Aye". Motion carried.


The Board went into Executive Session from 9:00 - 10:55 pm to discuss real estate and possible litigation.


A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize Systems Design Engineering to send an enforcement letter to 320 Main Street, Blandon and authorize the engineer and solicitor to proceed with enforcement. All members voted, "Aye." Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to request the Maidencreek Township Authority send their manager to every meeting of the Board of Supervisors to give a monthly report. All members voted, "Aye." Motion carried.

A motion was made by Roy Timpe, seconded by Claude Beaver, to authorize the Manager, Solicitor and Police Commissioner to investigate the ramifications of Leesport Borough's announced intention to withdraw from the Regional Police Force and authorize the Manager to contact Ontelaunee Township to set up a meeting. All members voted, "Aye." Motion carried.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adjourn the October 14, 2010 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 11:15 P.M.


Recording Township Secretary, October 14, 2010


Township Secretary, October 14, 2010