

Maidencreek Township Board of Supervisor Meeting  
October 9, 2008 7:03 pm

Present: Claude Beaver, Roy Timpe, Joseph E. Rudderow III, Eugene Orlando, Jr.– Orlando Law Office, Tom Unger – Systems Design Engineering, Inc., Diane Hollenbach – Manager.

Guests: Bob Hanna, Dan Becker, Tina Stewart, Dave Kessner, Brian Felker, Rami Hanna, Terry Manmiller, Tim Krall, Vicki Krall, Joe Riolo, David A. Tranquillo, Henry Koch, Richard Wick.

Claude Beaver called the October 9, 2008 meeting of the Maidencreek Township Board of Supervisors to order at 7:03 pm in the Maidencreek Township Municipal Building.

**POLICE REPORT –**

Officer Drazanovich reported that Northern Berks Regional Police responded to 333 assignments in Maidencreek Township in the month of September. This resulted in 166 citations. The traffic fines for Maidencreek for the month of September were \$3080.21, and non-traffic fines were 91.94, totaling \$3,172.15. The total number of patrol hours was 760.47 for the month.

Officer Drazanovich asked if there were any questions or concerns from the audience. Mr. Wick discussed problems at 505 E Wesner Road, Blandon. Officer Drazanovich stated that with Halloween approaching, there will be an additional police presence. Ms. Tina Stewart questioned Officer Drazanovich regarding a father and son playing catch in the street in front of their home. Officer Drazanovich stated that he made a judgment call and advised Ms. Stewart that if she had any complaints regarding his handling of the situation, to contact Chief Eaken. Mr. Tranquillo informed Officer Drazanovich that trucks have been driving up Buena Vista Rd.

**APPROVAL OF THE MINUTES**

A motion was made by Joe Rudderow, seconded by Roy Timpe, to approve the September 11, 2008 regular meeting minutes. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

**ENGINEER’S REPORT**

**Light at Excelsior Drive and Park Road –**

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Chairman to sign the Penn Dot As-Built Mylar for the Excelsior Drive Traffic Light. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

**Subdivision Review Status Checklist -**

**Hardie LDP Final Plan expires 11/01/08, Time Extension request to 2/11/09 -** Mr. Unger advised the Board that the Planning Commission recommend the Board accept the time extension. Mr. Koch, solicitor for Can Corporation, read his letter dated 10/9/08 regarding the James Hardie time extension request and Can Corp.’s position regarding this matter. Mr. Dan Becker, the solicitor for James Hardie, presented his client's request for the time extension. The Board asked both parties various questions regarding the issue then went into executive session.

**Executive session was held from 7:34 pm to 7:59 pm to discuss possible litigation.**

Maidencreek Township Board of Supervisor Meeting  
October 9, 2008 7:03 pm

A motion was made by Roy Timpe, seconded by Joe Rudderow, to schedule a special meeting to take action on the James Hardie plan review time extension on 10/22/08 at 7:30 pm. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Corrado Commercial Preliminary Expires 11/3/08: Time Extension request to 2/13/09 –**

A motion was made by Joe Rudderow, seconded by Roy Timpe, to grant the time extension for plan review until 2/13/09 for the Corrado Commercial Preliminary Plan. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Projects**

**Hoch Road Culvert Replacement** – Mr. Unger advised the Board that the work is complete and inspected.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to make final payment for application #3 in the amount of \$36,772 to DESCCO, conditional upon the meeting with PENN DOT and PENN DOT approval. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**339/343 Cassidy Court Storm Water** – Tabled.

A motion was made by Roy Timpe, seconded by Joe Rudderow, to amend the advertising of the special meeting to be held on 10/22/08 at 7:30 pm to include any unresolved issues from tonight's meeting. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Wyatt Drive Tot Lot** - Mr. Unger updated the Board regarding the progress of the Wyatt Tot Lot. Mr. Scott Miscus, the contractor for the Wyatt Drive Tot Lot, issued a public apology to the Maidencreek Residents and the Board for the matter in which the contract has been executed. Mr. Miscus stated that steps have been taken to rectify the situation. The Board asked about the damaged items. Mr. Miscus stated that all damaged items have been ordered and will be replaced. Mr. Unger advised the Board that Mr. Miscus would like to exclude the solar lights from the contract. The Board indicated that they want the solar lights installed. Mr. Miscus requested payment for work completed to date. The Board tabled a decision until the October 22, 2008 special meeting. Mr. Orlando advised again that the contractor is in violation of the contract. The project completion date was July 19, 2008.

**2008 Annual Road Maintenance** – Tabled.

**Zwicky Property** – Mr. Unger advised the Board that he visited Mr. Zwicky's business, due to a phone call received from Mr. Tranquillo. Mr. Unger advised that there was no burning of the railroad ties. According to a PA DEP permit, Mr. Zwicky may receive creosote lumber products, he may grind, screen, and use them in the alternate fuel products that is made; however, he is not allowed to use them in the mulch that is made. This alternative fuel is sold to Lehigh Cement and Corstacks. Mr. Tranquillo would like the Township Engineer to have the authority to test for arsenic levels in the products that are being processed. Ms. Hollenbach was instructed to call the County Commissioners regarding the Air Quality Study authorized in the spring.

**Limestone Acres/Davis Farm** – Mr. Unger reviewed various options to correct the water issue. The Board advised Mr. Unger and Ms. Hollenbach to meet with Mr. Davis.

**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 \$1,826.52. Hearing no questions on the motion, all members voted "Aye." Motion carried.

OPERATIONS REPORTS – Ms. Hollenbach reviewed the Public Works Department Operations Report and the Monthly Equipment report with the Board.

**Telco, Inc.** – Ms. Hollenbach advised the Board that a new loop sensor needs to be installed at the intersection of Route 73 and Park Road.

A motion was made by Joe Rudderow, seconded by Roy Timpe, to authorize the installation of a Vehicle Loop Sensor by Telco, Inc. in the amount of \$1,647.85. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Resident of 224 Long Leaf Dr. would like a grate placed on the sewer pipe on his property. The Board advised the Road Crew to check out and clean out the pipe if necessary.

SOLICITOR'S REPORT

**Comcast Franchise Renewal** – Mr. Orlando advised the Board the he and Ms. Hollenbach met on 10/2/08 to begin the process of reviewing the Township Franchise Ordinances. However, input is needed from the Board regarding the franchise fee for the contract.

**Authorize Solicitor to collect outstanding Biundo Land Development Review Fees, take action per letter** - No action is required by the Board at this time. A hearing before Judge Gauby is scheduled for 10/16/08 at 10:30 am.

**PP&L Conditional Use Hearing** –

A motion was made by Joe Rudderow, seconded by Roy Timpe, to set the conditional use hearing date for the application of PP&L Renewable Energy LLC on November 11, 2008 at 7:00 pm. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Mr. Orlando advised that the Planning Commission will be discussing this issue on November 5, 2008 at 7:30 pm.

**Personnel Issue** –

A motion was made by Roy Timpe, seconded by Joe Rudderow, appointing The Law Firm of Roland & Schelgel PC and Attorney Rahman as special labor counsel for the Township with service based on time spent at the hourly rate of \$160.00 in connection with the current labor litigation. Hearing no questions on the motion, all members voted "Aye". Motion carried.

A motion was made by Joe Rudderow, seconded by Roy Timpe, to authorize the solicitor and the special counsel to respond and represent the Township interests in connection with any

Maidencreek Township Board of Supervisor Meeting  
October 9, 2008 7:03 pm

litigation with regard to action on any municipal employee matter that the Supervisors have taken. Hearing no questions on the motion, all members voted "Aye". Motion carried.

The Board has taken official action in connection with an employee matter regarding Keith Shuman in executive session in accordance with the Personnel Policies of the Township and the Sunshine Law.

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

**Approve Mileage for 3<sup>rd</sup> Quarter of 2008 for Rita Agnetti –**

A motion was made by Joe Rudderow, seconded by Roy Timpe, approving the payment of 3rd Quarter Mileage payment to Rita Agnetti in the amount of \$110.84. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**PARK & RECREATION**

**Discuss Improvement to Community Park Entrance – removal of drain**

A motion was made by Roy Timpe, seconded by Joe Rudderow, authorizing the Engineer to get proper permits for improvement to Community Park Entrance. Hearing no further questions on the motion, all members voted "Aye". Motion carried.

**Authorize Chairman to sign YMCA Recreation Night Contract –**

A motion was made by Roy Timpe, seconded by Joe Rudderow, to authorize the Chairman to sign the 2009 Tiger Recreation Night contract with a cost of \$1000, which is open to all residents of Fleetwood Borough, Richmond Township and Maidencreek Township. Hearing no questions on the motion, all members voted as follows "Aye" by Joe Rudderow and Claude Beaver, "Nay" by Roy Timpe. Motion carried.

**PUBLIC COMMENTS –**

Mr. Wick, of East Wesner Road, Blandon asked if anything was going to be done regarding the trees that have grown in the creek by the Hoch Road Culvert and the newspaper box on East Wesner Road. Mr. Wick is concerned that someone will get hurt while dropping off newspapers because motorists do not have a clear line of sight. The Board asked Mr. Unger to stop by and look at the newspaper box.

Mr. Tranquillo of Buena Vista Road, Fleetwood, had concerns about Rt. 73 & Rt. 222. The Supervisors advised Mr. Tranquillo that Penn Dot has been made well aware of the issue.

**RESOLUTIONS**

**Resolution 2008-18 – Consideration to ask PA Representatives and Senators not to support Real ID –**

A motion was made by Roy Timpe, seconded by Joe Rudderow, to change the Senator, State Representative names on the sample copy of the Downingtown Resolution regarding the

Maidencreek Township Board of Supervisor Meeting  
October 9, 2008 7:03 pm

Real ID to the Senator Rhoades and State Representative Argall and to authorize the Board to sign the resolution once the changes were made. Signed copies of Resolution 2008-18 should be mailed to Senator Rhoades, State Representative Argall and Sam Rohrer. Hearing no questions on the motion, all members voted "Aye". Motion carried.

NEW BUSINESS

**Authorize participation in the Berks County Cooperative Purchasing Council Electricity Study –**

A motion was made by Joe Rudderow, seconded by Roy Timpe, to authorize the release of electricity usage in participation in the Berks County Cooperative Purchasing Council Electricity Study. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**No Parking along Allentown Pike –** The Board advised Mr. Unger to call Penn Dot regarding the No Parking on Allentown Pike and what signs the Township may install on state roads without Penn Dot's approval.

**Does the Board wish to hold the holiday lunch for volunteers of the Township –** The Board decided to hold the Holiday Luncheon on Friday, December 19, 2008. No municipal funds are used to pay for this event.

**Split Township moneys to different banks –**

A motion was made by Joe Rudderow, seconded by Roy Timpe, authorizing the Township Manager to diversify moneys to four different banks. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Community Days –** Ms. Hollenbach stated that due to the weather the event did not go as well as expected. The Board wanted to thank Parks and Recreation for their efforts.

Since there was no further business, a motion was made by Joe Rudderow, seconded by Roy Timpe, to adjourn the October 9, 2008 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 10:40 P.M.

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Recording Township Secretary, November 13, 2008

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Township Secretary, November 13, 2008

Maidencreek Township Board of Supervisor Meeting  
October 9, 2008 7:03 pm

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