

Maidencreek Township Board of Supervisor Meeting  
November 11, 2010 7:00 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, Johanna Mattera – Recording Secretary.

Guests: Curt Rhine, Dave Gehret – Berks Soil & Stone, David Meekel – Reading Eagle, Bob Shinn – Maidencreek Township Authority, Pat Donovan – Maidencreek Township Authority, Allyson Jones, Marty Buck

**PUBLIC HEARING**

Claude Beaver called the November 11, 2010 public hearing to order at 7:03 p.m. and turned the hearing over to Solicitor Orlando. Mr. Orlando stated that this is a time that had been advertised for a public hearing for the consideration of a resolution adopting the Maidencreek Township Agricultural Security Area Seven Year Review. Mr. Orlando advised the audience of the following Board Exhibits:

1. Proof of Publication of notice of this public hearing, which was advertised in the Reading Eagle on November 5, 2010.
2. Copy of the Affidavits of Posting, evidencing the fact that the Agricultural Security Area and Township Building was posted with copies of the “Notice of Public Hearing”.
3. Letter from the Maidencreek Township Agricultural Security Board reviewing and recommending that the Agricultural Security Area be re-adopted.
4. Letter from the Maidencreek Township Planning Commission reviewing and recommending that the Agricultural Security Area be re-adopted.
5. Letter from the Berks County Planning Commission reviewing and commenting on the Agricultural Security Area.

Mr. Orlando asked if anyone wished to offer testimony, make any comment or provide any input in connection with the Agricultural Security Area Seven Year Review. Mr. Orlando asked if there was any additional comment from the public or the Board. There was no public or Board comment made.

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

The Chairman closed the public hearing on Resolution 24-2010 Agricultural Security Area Seven-Year Review at 7:07 pm.

The Chairman opened November 11, 2010 regular meeting of the Maidencreek Township Board of Supervisors at 7:07 pm in the Maidencreek Township Municipal Building and asked that there be a moment of silence after the Pledge of Allegiance in honor of Veterans Day.

**AUTHORITY REPORT**

Mr. Donovan stated that the Authority Report was in the Supervisor Books for their review and asked if the Board had any questions for him.

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**Project Close Out Procedure** – Mr. Donovan and Mr. Shinn reviewed with the Board the Authority’s proposed Land Development Close Out Procedures. The Authority would like to take dedication of water and sewer lines in an easement prior to the Township accepting the roads in a development. All manholes will be “plow ready” but the Township will not be plowing the streets until dedication. Mr. Donovan stated that there is some risk but the benefit is that the paperwork and as built plans should be more accurate. The Supervisors did not have any problem with this new procedure.

**APPROVAL OF THE MINUTES**

A motion was made by Joseph Rudderow III, seconded by Claude Beaver, to approve the October 13, 2010 Joint Meeting Minutes. Hearing no questions on the motion, Joe Rudderow III and Claude Beaver voted, “Aye”. Roy Timpe abstained. Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to approve the October 14, 2010 Regular Meeting Minutes. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**ENGINEER’S REPORT**

**Subdivision Review Status Checklist**  
**Esbenshades Preliminary Land Development Plan**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to accept the developer’s offer of a time extension to the review period until 3/28/11 for the Esbenshades Preliminary Land Development Plan. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Maidencreek Alternate Fuel Preliminary Land Development Plan**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to accept the developer’s offer of a time extension to the review period until 3/1/11 for the Maidencreek Alternative Fuel Manufacturing Preliminary Land Development Plan. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Subdivisions/Zoning**

**Village @ Summit Crest Preliminary Plan (Private Comm. Water) - Tabled**

**Projects**

**West Shore Drive Bridge** – Mr. Unger informed the Board that the estimate given by a local contractor to clear brush and silt from the stream was over \$10,000.

**New Erosion and Sedimentation Regulations** – Mr. Unger updated the Board on new regulations now in place for E & S Plans. The process is now more involved. Riparian buffers must be 150 feet wide. There are more inspections and the contractor must sign off on the construction that it was done per plan. The manual is 600 pages.

**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 \$115,895.12. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Mr. Beaver asked about storm water problems in some of the developments, specifically Spirit Court. Ms. Hollenbach stated that there is a call into the DEP to request emergency clean out but they have not yet responded to our request for a meeting.

**PUBLICS WORKS**

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

**Truck #4** – Ms. Hollenbach advised the Board that Truck #4 has been repaired and passed State Inspection, however it was discovered that the plow pump was missing. Since the truck was at both Bob Fisher and Shuman’s Automotive, it is has not been determined at which location the pump was taken. The Board would like this to be reported to the Police. Ms. Hollenbach advised the Board that Bob Fisher replaced the speedometer for only \$70.00.

**Truck #1** – The Board asked that Ms. Hollenbach get several quotes on fixing the problems and that the road crew can patch the hood. The Board did not care if it did not look perfect as long as it saved money.

**SOLICITOR’S REPORT**

**Resolution #24-2010 Agricultural Security Area Seven-Year Review**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adopt Resolution #24-2010 Agricultural Security Area Seven-Year Review. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Larken Appeal to the Uniform Construction Code** – Mr. Orlando updated the Board regarding the decision that was made by Berks County Uniform Construction Code Appeals Board. The Appeals Board felt that they had no choice in their verdict that the Uniform Construction Code does not apply to the Village at Maidencreek Project. Mr. Orlando stated that the Supervisors could appeal the decision to the Court of Common Pleas. Mr. Unger was concerned that the rest of the development could be built with the Building Code in place prior to the Uniform Construction Code of 2003.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to authorize the Township Manager share the Findings and each attorney’s brief to the Pennsylvania State Association of Township Supervisors. Hearing no questions on the motion, all members voted, “Aye”. Motion carried. Mr. Orlando advised that this issue should be discussed further in executive session as potential litigation.

**Comcast Franchise Renewal Agreement** – Tabled.

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**COMMUNICATIONS & QUESTIONS**

**From the Board** – None.

**From the Manager & Professionals** – None.

**Public Comment**

Dave Gehret – Berks Soil & Stone – Submitted a quote to supply the Township Recycling Yard Waste Drop-off Center.

Marty Buck of Troxel Road asked when the West Shore Drive Bridge was going to be repaired. The Board advised that the bridge was owned by the State and Penn DOT had not communicated any new information lately.

Allyson Jones of Jones Lane asked whom she could call at the city of Reading City regarding the posting of No Trespassing signs to keep hunters on City property off of her land. Every time she puts them up, someone rips them down. Ms. Hollenbach suggested that she call the Township tomorrow and she would get her some contacts at the Reading Water Authority.

**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 October 2010 Treasurer’s Report and Bill List. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**PARK & RECREATION**

**Approve Fireworks Proposal in the amount of \$3,500** – Tabled.

**Leash Law** – The Park & Recreation Board advised that changing the Leash Law would not help with owners who currently do not abide by the current law.

**Vandalism** - Ms. Hollenbach advised the Board that on Election Day the porta-potty at the Community Park was turned over into the stream and vandalism was done the Blandon Fire Company Park. The Board is trying to come up with a solution for these issues.

**RESOLUTIONS**

**Resolution #25-2010 Appoint of Berks EIT as Act 32 LST Tax Collector**

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to adopt Resolution #25-2010 appointing Berks EIT as the Act 32 Local Services Tax Collector. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**ORDINANCE**

**Wind Energy as an Accessory Use** – Roy Timpe felt that the Ordinance should be tabled indefinitely. Mr. Timpe felt that the current Zoning Ordinance height requirements and the Noise Ordinance provided all the regulation needed. New technology might be excluded by additional regulations. Mr. Orlando stated that in the absence of allowing a use, a challenge could be raised

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and if successful, the applicant gets to set his or her own standard. The Board agreed to review the Ordinance for December.

**OLD BUSINESS**

**Thank You Letter** – The Board of Supervisors signed a thank you letter for Ken Schnader for his service on the Authority Board.

**Cell Tower Lease** – To be discussed in executive session.

**NEW BUSINESS**

**County Convention Mileage** – The Board did not wish to be reimbursed for mileage to attend the County Convention.

**Pepper Spray for Building Staff** - No action was required by the Board.

**Deposition on behalf of Maidencreek Township**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Manager to attend a deposition on behalf of the Maidencreek Township. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Annual Animal Rescue League Agreement**

A motion was made by Roy Timpe, seconded by Joe Rudderow III, to authorize the Chairman to sign the 2011 Animal Rescue League Service Contract, approve a donation in the amount of \$900 and to ask the Animal Rescue League to provide an annual activity report for the Township. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Assessment Reduction Appeal Authorization** - Ms. Hollenbach advised the Board that two industrial properties had their assessments reduced by the Berks County Board of Assessment Appeal Board.

A motion was made by Joseph Rudderow III, seconded by Claude Beaver, that if the Appeal has not otherwise already expired and if the School District has not already filed an appeal, than the Board authorized the Township Solicitor to file Appeal from the position of the Board of the Assessment Appeal and prosecute that in the court of Common Pleas. Hearing no questions on the motion, the Board voted as follows: Claude Beaver and Joseph Rudderow III vote, “Aye”, Roy Timpe abstained. Motion carried.

**Hill Road Railroad Crossing Safety Project** – Ms. Hollenbach advised the Board that PennDOT advised that there is grant money available for upgrading the signals and gates at the railroad crossing at Hill Road.

A motion was by Joseph Rudderow III, seconded by Claude Beaver, that the Township match up to \$6,500.00 for the Hill Road Railroad Crossing Safety Project. Hearing no questions on the motion, the Board voted as follows: Joseph Rudderow III and Claude Beaver voted, “Aye”, Roy Timpe voted, “Nay”. Motion carried.

**2011 Budget** – The Board asked the audience if there were any questions regarding the 2011 Budget.

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Mr. Kurt Rhine of the Ambulance Association thanked the Board for their prior years' donations and would like to see the same, if not a little more. The Board asked the Ambulance Association to provide a quarterly report. Mr. Rhine said that would not be a problem. The Board advised Mr. Rhine that \$33,000 has been budgeted for the 2011 donation.

Fire Chief Dan Miller asked if the Board would consider donating the same amount as last year.

The Board went into Executive Session from 8:49 – 10:15 p.m. to discuss potential litigation and would resume discussion of the budget after the executive session.

#### LARKEN APPEAL

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the solicitor to file an appeal to the decision of the Berks County Uniform Construction Appeals Board. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

#### RECYCLING CONTRACT

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to authorize the Chairman to sign the contract with JP Mascaro & Sons for curbside pick up of residential recycling. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

#### 2011 BUDGET

The Board discussed several ways to fund the \$52,000 shortfall in the General Fund Budget for 2011. Mrs. Hollenbach cautioned that revenue had decreased and costs had increased. If action were not taken to increase revenue, there would not be enough money to pay expenses in January and February of 2012.

The Board advised that they would leave the Park and Recreation Fund intact at a quarter mill but that the Road Crew was to stop mowing the meadow to cut expenses. The porta potty was to be attached to an eyebolt cemented into the ground. The police budget was reduced by about \$30,000 but the total cost remained over \$900,000 with the pension contribution.

The Board discussed raising taxes. Of the types of taxes, a real estate tax increase would hurt the elderly and the unemployed. An increase of the Local Services Tax to \$52 per year would only impact people working in the Township. These people would not necessarily be Township residents. The law requires the tax to be divided by the number of payrolls in a year then deducted each payroll. As an example, the Township has 26 pay periods and would deduct \$2 from each employee each pay period. Mrs. Hollenbach stated that an ordinance would need to be adopted and sent to the DCED by December 1<sup>st</sup> in order for the increased LST to be effective in 2011. The Board would have to hold a public hearing before the next Board of Supervisors meeting to meet this requirement.

A motion was made by Joseph Rudderow III, seconded by Claude Beaver, to authorize the Manager to prepare an ordinance amending the Local Services Tax rate from \$10 to \$52 per year and advertise a public hearing to be held on November 24, 2010 at 7 p.m. Hearing no questions on the motion, Claude Beaver and Joseph Rudderow III voted, "Aye." Roy Timpe voted, "Nay." Motion carried.

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

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Recording Township Secretary, November 11, 2010

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Township Secretary, November 11, 2010

Cc: Board of Supervisors  
Eugene Orlando, Jr., Orlando Law Office, 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