

Maidencreek Township Board of Supervisor Meeting
November 12, 2009 7:00 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: Dan Becker - Kozloff & Stoudt, Scott Miller - SBI, Nick Browne - Reading Eagle, Al Wright - Rettew Associates, Richard Wick, Lon Seitz, Hank Koch for Can Corporation, Chris Bradley, Angelo Corrado, Tim Krall and Vicki Krall - SSM, and State Representative Jerry Knowles

Claude Beaver called the November 12, 2009 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 pm in the Maidencreek Township Municipal Building.

Representative Jerry Knowles addressed the Board and audience to advise everyone that he will be available in the Maidencreek Township Building once a month for the convenience of his constituents, beginning in January 2010. Dates and time will be posted on the Township web site.

POLICE REPORT –

Officer Toro reported that The Northern Berks Regional Police responded to 278 assignments in Maidencreek Township in the month of October. This resulted in 46 citations. The traffic fines for Maidencreek for the month of October were \$1,189.52. In addition, non-traffic fines were \$1,033.34, totaling \$2,222.97. The total number of patrol hours was 851.76 for the month.

APPROVAL OF THE MINUTES

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to waive the reading of the October 8, 2009 regular meeting minutes and approve them as presented. Hearing no questions on the motion, the members voted as follows, Mr. Rudderow "Aye", Mr. Timpe "Aye" and Mr. Beaver "Abstained". Motion carried.

ENGINEER'S REPORT

Subdivision Review Status Checklist & Subdivisions/Zoning-

James Hardie Land Development Preliminary Plan expires 11/13/09 – Attorney Dan Becker of Kozloff Stoudt and Attorney Hank Koch for Can Corporation advised the Board that they had met with the Maidencreek Township Authority (MTA) with regard to the dedication of the water and sewer lines. Mr. Koch advised the Board that his client has agreed to offer dedication of all the lines under his client's control (Can Corporation of America, F & P Holding, Inc., Frederick Giorgio and Hugh McIntyre Partnership) to the MTA, with an easement that is agreeable to all parties involved. Mr. Becker stated that James Hardie was also willing to dedicate the water and sewer lines under their control.

Maidencreek Township Board of Supervisor Meeting
November 12, 2009 7:00 pm

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to approve the James Hardie Building Products Preliminary/Final Land Development Plan including the request that the Township assume ownership of the drainage lines to resolve a dispute between James Hardie and its neighbor, Can Corp of America conditional upon all of the following requirements:

- full compliance with the conditions and specifications set forth in the following documents which are incorporated by reference:
 - Systems Design Engineering, Inc. November 4, 2009 review letter to the Planning Commission, and
 - the October 12, 2009 letter to Mr. Becker of Kozloff Stoudt from Diane Hollenbach, Maidencreek Township Manager except that condition 3 of that letter would be changed to provide "An offer of dedication of water and sewer lines and easements that are under the control of F & P Holding Co., Inc., Frederick J. Giorgi and Hugh F. McIntyre Partnership, Can Corporation of America, Inc. and James Hardie Building Products, Inc. Such offer shall be made to the Maidencreek Township Authority on forms previously accepted by the Authority;
- execution and delivery of a Developer's Improvement Agreement; and
- financial security satisfactory to the Township.

Hearing no questions on the motion, all members voted "Aye". Motion carried.

Village @ Summit Crest Preliminary Plan (Private Community Water) see SDE letter dated 11/4/09 and Planning Commission letter dated 11/9/09 – Mr. Bradley and Mr. Miller of Stackhouse & Bensinger Engineering reviewed for the Board the changes that have been made to the Preliminary Plan.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to have the Township Engineer meet with Mr. Bradley and Mr. Miller of Stackhouse & Bensinger regarding the scope of repair that will be needed on Lee Spring Road. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Corrado Crossings @ Maidencreek – Lon Seitz advised the Board that Mr. Corrado would like to begin construction on Corrado Crossing using phases. Mr. Corrado asked the Board if he could post improvement agreements money by phase due to current economic conditions. Mr. Corrado asked for the Board's understanding and assistance in this situation. The Board advised Mr. Corrado that submitting and recording three separate plans for each phase would be an option, but recording would not be permitted until financial security for the phase was posted or a phased plan could be inserted into the current final plan and the financial security covering all the improvements posted prior to recording.

Maidencreek Township Board of Supervisor Meeting
November 12, 2009 7:00 pm

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township solicitor and engineer to work with the developer and his engineer to fashion an improvements agreement satisfactory to the Township to allow for the phasing of the project. Hearing no questions on the motion all members voted "Aye". Motion carried.

Projects

Longleaf Drive storm water pipe – Tom Unger updated the Board on the repair to the storm water pipe in the Ontelaunee Heights Subdivision. There are two lengths of pipe that need to be replaced and the project needs to be done by an outside company. The Board authorized the manager to work with the road crew foreman and get three quotes.

2009 Annual Street Work – Mr. Unger advised the Board that the 2009 Annual Street Work had been complete.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing payment of \$52,848.15 be made to EJB Paving and Materials for the 2009 Annual Street Work. 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. The dump body pin for Truck #4 needs to be replaced.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to replace the dump body pin for Truck #4 with the cost not to exceed \$600.00. Hearing no questions on the motion, all members voted "Aye". Motion carried.

SOLICITOR'S REPORT

Resolution to approve Fire Company Borrowing of \$256,000 for the purchase of a truck –

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the solicitor to advertise a public hearing to be held at the next Township meeting at 7:00 pm, for adoption of a resolution to approve the borrowing of \$256,000 by the Bandon Volunteer Fire Company for the purchase of a truck. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Ontelaunee Township/Dries Road Mutual Cooperation Agreement – To date Ontelaunee Township has not responded.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Township solicitor to contact Ontelaunee Township's solicitor regarding the Ontelaunee Township/Dries Road Mutual Cooperation

Maidencreek Township Board of Supervisor Meeting
November 12, 2009 7:00 pm

Agreement. Hearing no questions on the motion, all members voted "Aye".
Motion carried.

Create Police Mutual Aid Agreement - Muhlenberg – There are still some questions that Chief Eaken needs to answer. The Board asked the manager to contact Chief Eaken with their questions.

Comcast & Service Electric Franchise Renewal Agreements – No action is required by the Board at this time.

Ingot Drive – Mr. Orlando advised that the action was filed today. Further comment to be discussed in executive session.

RESOLUTIONS:

Resolution #17-2009 Record Management regarding the destruction of meeting tapes

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, approving Resolution #17-2009 Record Management. Hearing no questions on the motion, all members voted "Aye". Motion carried.

COMMUNICATIONS & QUESTIONS -

From the Board – None

From the Manager & Professionals –

Allied Building Temporary Construction Easement –

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Chairman to sign the Temporary Construction Easement for Allied Building. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Public Comment –

Rich Wick – 509 E. Wesner Road- The Board advised Mr. Wick that the speed would be reduced at the curve on E. Wesner Road. This will be accomplished when the next Traffic Ordinance amendment is passed. The Board also advised Mr. Wick that the Township Manager would contact the farmer on E. Wesner Road regarding keeping the Newspaper drop off box cleaned up and the papers off the ground.

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 2009 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Approval to Advertise the 2010 Budget for Adoption –

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township manager to advertise the 2010 Budget for adoption at the December 10, 2009 meeting. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

PARK AND RECREATION –

Playground Safety Inspection Update – Tabled

Purchase of Cornerstone Drive Tot-Lot Equipment Little Tykes \$50,005.60 –

A motion was made by Joseph Rudderow III, second Roy Timpe, authorizing the purchase of Cornerstone Drive Tot-Lot Equipment from Boyce Associates not to exceed \$50,005.60. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Authorization to Bid Community Park Utility Run –

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the engineer to put out for bid the Community Park Utility Run. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

OLD BUSINESS –

Authorize Chairman to sign the Recycling Contract Extension –

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Chairman to sign the Recycling Contract Extension with Waste Management for 2010. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Countywide Tax Collection Meeting Report – Mr. Rudderow informed the Board that the committee has been formed and bylaws would be sent out for review.

NEW BUSINESS

Air Quality and Solid Waste DEP Permit Applications for Diversified Energy –

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township manager to write a letter requesting the full review period of the Air Quality and Solid Waste DEP Permit Applications for Diversified Energy once submitted to the PA DEP. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Bridge Inspection Results

Calcium Road Bridge – Repairs will need to be done in the spring.

West Shore Drive Bridge – SDE needs to do a study to see what will need to be done and what permitting is needed.

Penn DOT Wesner Road Railroad Crossing Upgrade Authorization –

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Chairman to sign the Penn DOT Wesner Road Railroad Crossing Upgrade contract with the Township cost for the project design not to exceed \$6,500.00. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Ridge Road Guide Rail Repair –

A motion was made by Roy Timpe, seconded by Joseph Rudderow III authorizing the repair of Ridge Road guide rail by Morgan Rail with the cost not to exceed \$2,190.00. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Animal Rescue League Contract for 2010 –

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the Chairman to sign the 2010 Animal Rescue League contract. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Aquabilities request to hold an event - The Board advised the Township manager to contact the Northern Berks Police Department of the date and time of the event.

Holiday lunch for Township Volunteers - The Board decided to hold the Holiday Luncheon on Friday, December 18, 2009. No municipal funds are used to pay for this event.

Fire Company – Discuss donation and advertising their events – The Board advised the Township manager to place any Fire Company events in the Township Newsletter. The Board also decided to make the Township donations to the fire department on a quarterly basis.

Police Charter – Mr. Timpe reviewed the Police Charter with the Board.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to communicate that Maidencreek Township favors the proposed changes to the Police Charter and will review a revised Charter with the changes and refinements if the Commission authorizes its solicitor to prepare one. Hearing no questions on the motion, all members voted "Aye". Motion carried.

An Executive Session was held from 11:16 pm – 11:21 pm to discuss litigation.

Unfair Labor Practice -

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to authorize the hiring of special labor counsel to represent Maidencreek Township in the matter of the unfair labor practice filed by the Northern Berks Regional

Maidencreek Township Board of Supervisor Meeting
November 12, 2009 7:00 pm

Police union. Hearing no questions on the motion, all members vote "Aye".
Motion carried.

Thank you letter to Representative Knowles –

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing a thank you letter to be sent to Representative Knowles for attending the meeting. Hearing no questions on the motion all members vote "Aye".
Motion carried.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adjourn the November 12, 2009 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 11:35 P.M.

Recording Township Secretary, November 12, 2009

Township Secretary, November 12, 2009

Cc: Board of Supervisors
Eugene Orlando, Orlando Law Offices, 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

Maidencreek Township Board of Supervisor Meeting
November 12, 2009 7:00 pm