

Maidencreek Township Board of Supervisor Meeting  
November 14, 2013 7:00 pm

Present: Claude Beaver, David Franke, Joseph Rudderow III, Tom Unger – Systems Design Engineering, Inc., Eugene Orlando, Jr. – Orlando Law Offices. Diane Hollenbach – Township Manager, Johanna Mattera – Recording Secretary.

Guests: Dorothy M. Blatt, Harold E. Blatt, Joe & Yvonne Scalese, Melissa V. Shiner, Kevin Manmiller, Richard Wick, Vivian Smith, Phil Reppent, Lori Willcox, Dale Willcox, Craig Momose –SVI, Theresa Helbert, Jon Zidik – CMC, Gary Tmythin CMC, Mary Archer.

Joseph Rudderow III called the November 14, 2013 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:00 pm in the Maidencreek Township Municipal Building followed by a moment of silence for Veterans Day.

MINUTES & FINANCES

**Approval of the Regular Meeting Minutes**

A motion was made by Claude Beaver, seconded by David Franke, to waive the reading of the minutes and approve minutes of the October 10, 2013 Regular Meeting as presented. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Treasurer’s Report and Bill List**

A motion was made by Claude Beaver, seconded by David Franke, to approve the October 2013 Treasurer’s Report and Bill List. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

A motion was made by Claude Beaver, seconded by David Franke, to approve 2013 Audit Engagement Letter and authorize to advertise 2013 audit will be performed by a certified public accountant. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

A motion was made by Claude Beaver, seconded by David Franke, to establish a Capital Improvement Account. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

PUBLIC COMMENT

Mr. & Mrs. Harold Blatt, 11 W. Wesner Rd., Blandon – Came to the Board to discuss off street parking issue by their home. The Board said that they will review the road and for the couple to come to the December meeting.

Melissa Shiner, 5 Lakeshore Drive, Fleetwood - Ms. Shiner came to follow up from the September meeting regarding the lights shining in her window from Top Star. Mr. Unger advised that he spoke with the management at Top Star and they will be replacing the shields.

Mr. & Mrs. Joe Scalese, 213 Spirit Ct., Blandon – Mrs. Scalese came to the Board to discuss the tree trimming done by the Road Crew. Mrs. Hollenbach advised that the letters were sent to 150 homeowners in July advising of the trimming. The Township will mail the letter to Mrs. Scalese as requested.

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Theresa Helbert, 302 Main St, Blandon. – Mrs. Helbert spoke about stones from the Maidencreek Church washing into her driveway. The church has requested a meeting with Penn DOT.

Mary Archer, John Privatora and Mr. & Mrs. Willcox, Faith Drive, Blandon – Came to the Board regarding the painting on the side of a home in their neighborhood. The Chairman advised the audience that Mr. Schaeffer would be coming the December meeting to present to the Board. The residents advised that they had not contacted Mr. Schaeffer about the painting. The Board also advised that this community is not part of a HOA and that Board has done some investigation. Mr. Schaeffer is not in violation of any ordinances. The Board gave the Township Solicitor permission to advise the audience. Mr. Orlando stated that it is not a commercial sign. In 1965, the Highway Beautification Act expressly excluded the Mail Pouch sign and deemed them a historic landmark since it has been part of the American landscape since 1880. Mr. Privatora did thank the Board for their efforts.

## REPORTS

### ENGINEER'S REPORT

**Subdivision Review Status Checklist** – No action is required.

#### **Subdivision/Zoning**

**Giorgio Foods Freezer Addition Final Plan** - Mr. Unger advised that the only outstanding items are listed on the SDE letter dated 10/29/13.

A motion was made by Claude Beaver, seconded by David Franke, to approve the Giorgio Food Inc. Freezer Addition Final Plan contingent upon SDE letter dated 10/29/13, which is incorporated by reference. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Custom Milling** – Mr. Unger reviewed the SDE letter dated 10/29/13 with the Board and advised that no HOP application had been provided to Penn DOT as of yet. Mr. Orlando advised the Board that the plans could be approved, signed and sealed and not recorded until the Highway Occupancy Permit (HOP) was approved by Penn DOT. The Engineer could issue a building permit with no occupancy permit until the HOP numbers can be put on a revised plan and the plan recorded. Additional language should be added to the improvement agreement, along with addition dollars to be added to the improvement escrow to cover secondary reviews and other costs that may occur.

A motion was made by David Franke, seconded by Claude Beaver, to move to grant Final Plan approval to the Custom Milling Consulting Warehouse Final Land Development Plan contingent on all of then the following:

1. Full compliance and completion with all outstanding issues as stated in the SDE, Inc letter dated 10/29/13.
2. Satisfactory completion of easement documents, legal descriptions and Operation and Maintenance agreements satisfactory to the Township.
3. The execution and delivery of financial security and the Developers Improvement Agreement satisfactory to the Township, which would also include provisions and additional amounts of escrow to address possible problems with regard to the

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allowance of construction for building permits without the Final Land Development plan being recorded.

4. Developer would immediately and diligently pursue obtaining a HOP from Penn DOT and that HOP would be placed on the Final Land Development Plan that would be recorded, but in the interim a Final Land Development Plan that meets all other Township requirements except for the HOP can be signed, sealed and delivered to the Township and will be held by the Township pending obtaining of the HOP.

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

**DiGiorgio Equipment Storage Facility Request for waiver to Land Development Plan requirements** – Mr. Manmiller of DiGiorgio discussed with the Board the land development plan and advised that the water used for washing the compost trucks will be recycled onto mulch and is requesting a waiver since the land is in a SIA district. Mr. Orlando advised the Board that this property is part of multiple parcels and owned by several different organizations under the DiGiorgio umbrella. The Board advised Mr. Manmiller that a letter requesting a waiver of Land Development Plan is needed. Mr. Unger advised Mr. Manmiller to go before the Zoning Board, as relief will be needed to building setbacks if he moves forward with the plan presented.

A motion was made by Claude Beaver, seconded by David Franke, to grant the waiver of the Land Development contingent upon whatever zoning relief is required.

A motion was made by Claude Beaver, seconded by David Franke, to amend the above motion to include meeting all other Township requirements. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Projects:**

**2014 Street Projects** – Mr. Unger advised that the Evansville Road estimated cost for paving and materials is budgeted at \$433,610.00 by EJB Paving; this estimate does not include storm water or widening of the road. Mr. Unger suggested to the Board that they might want to investigate other route options. Ms. Hollenbach advised the Board that this project cannot be done in 2014 and that a written proposal should be done with regard to the investigation of alternate routes.

**Norfolk Southern** – No action is required by the Board at this time.

**Subdivision Improvement Agreement LOC/Escrow Release Letters**

A motion was made by Claude Beaver, seconded by David Franke, authorizing the Chairman to sign Subdivision Improvements Agreement LOC/Escrow Release letters in the amount of \$2,337.06. Hearing no further questions on the motion all members voted, "Aye". Motion carried.

**Allison Place** – Mr. Unger advised the Board that the stop sign does not meet Penn DOT and Township standards.

A motion was made by Claude Beaver, seconded by David Franke, authorizing the Chairman to sign Subdivision Improvements Agreement LOC/Escrow Release letter for Allison Place conditional upon installation of a legal sign stop sign and the storm water inlet working to

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the satisfaction of the Township Road Master and Engineer. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**MUNICIPAL SOLICITOR REPORT**

**Complaint on Mail Pouch Tobacco lettering on home in Maidencreek Estate** – The Board advised Mr. Orlando to write a legal option regarding this issue.

The Board excused the Township Solicitor and Engineer where dismissed at 8:50 pm.

**WATER AUTHORITY** – Ms. Hollenbach reviewed the report with the Board.

**MANAGERS REPORT** - Ms. Hollenbach reviewed the report with the Board.

**RATS Tip Recommendation** - The Board advised Ms. Hollenbach to replicate last year's information for the County's request for road project.

**ROAD MASTER REPORT** – Mr. Beaver reviewed the report with the Board.

**Purchase of Mini Excavator** – The Board discussed at length the purchase of the mini excavator.

A motion was made by David Franke, seconded by Joseph Rudderow III, authorizing the purchase of mini excavator Case CX36B-Tier 4 from Power Co with the CoStar price of \$44,800 excavator and for the trailer \$7,750. The Chairman asked if there were any questions. Mr. Wick asked could you explain why we need to purchase this new piece of equipment. The Board advised that the Township has been renting a mini excavator a fair amount and this purchase will be paid with the grant money. Ms. Hollenbach advised that the mini excavator would be paid for with a grant. Hearing no further questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by David Franke, seconded by Claude Beaver, authorizing the Roadmaster to enter into a lease for the purchase of a mini excavator and trailer. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Plate Compactor Wacker** – Mr. Beaver advised the Board that he received three quotes for the purchase of the Plate Compactor Wacker.

A motion was made by David Franke, seconded by Claude Beaver, to purchase a Wacker 19.5x22 with Honda engine from Stoney Creek at a cost of \$1,950.00. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Ontelaunee Township Dries Road Project** – Mr. Beaver reviewed with the Board the project at an estimated cost of \$43,279.87 per Township.

A motion was made by David Franke, seconded by Claude Beaver, to authorize a joint proposal with Ontelaunee Township Road Project on Dries Road from Orchard Road to Rte. 222. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**TAX COLLECTION COMMITTEE** – No activity to report.

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POLICE COMMISSIONER - Mr. Rudderow advised the Board that he has spoken with Chief Eaken with regard to the 2014 Budget and that at the next meeting there may be some feedback regarding the DCED study.

OLD BUSINESS

**Discussion on Calcium Road Bridge - Tabled**

The Board went into executive session to discuss personnel issues and potential ligation from 9:38 pm and 10:34 pm.

NEW BUSINESS

**2014 Budget** - The Board reviewed the 2014 Budget.

A motion was made by Claude Beaver, seconded by David Franke, to advertise the 2014 Budget. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by David Franke, seconded by Claude Beaver, to adjourn the November 14, 2013 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted, "Aye". Motion carried. Meeting adjourned at 11:10 pm.

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Recording Township Secretary, November 14, 2013

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Township Secretary, November 14, 2013

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  
Dan Becker, Kozloff Stoudt, 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