

Maidencreek Township Board of Supervisor Meeting
June 10, 2010 7:01pm

Present: 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: Jim Hollenbach, Bruce Rader, Scott Beshore, Brendon Beshore, Jason Beshore, Linda Fritzinger and David A. Tranquillo.

Claude Beaver called the June 10, 2010 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:01 pm in the Maidencreek Township Municipal Building.

Claude Beaver adjourned the Board of Supervisors Meeting at 7:03 for a public hearing for consideration of an amendment to Chapter 141 of the Maidencreek Township Code of Ordinances.

The Chairman reopened the regularly meeting of the Board of Supervisors at 7:06 pm.

APPROVAL OF THE MINUTES

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to waive the reading of the minutes and approve the May 13, 2010 meeting minutes as presented. Hearing no questions on the motion all members voted, “Aye”. Motion carried.

ENGINEER’S REPORT

OPENING OF BIDS FOR 2010 ANNUAL ROAD IMPROVEMENTS:

Mr. Unger opened all sealed bids.

Bidders		Total Bid (Bid Items #1.a. thru #3.c)
1	EJB Paving & Materials Co. 1119 Snyder Road West Reading, PA 19609-1100	\$64,938.80
2	Windsor Service, Div of Reading Materials, Inc. P.O. Box 13787 Reading, PA 19612	\$61,850.00
3	Bracalente Construction, Inc. 700 Savage Road Ste. 15 Northampton, PA 18067	\$85,898.00

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to have the Engineer examine the bid and qualifications of Windsor Service, Div of Reading Materials, Inc., and presuming they meet all of the criteria, award the bid and give the notice to proceed. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

Subdivision Review Status Checklist –

Village @ Summit Crest (Private Water) Preliminary Plan and Village @ Summit Crest (Public Water) Final Plan Time Extension

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to accept the Time Extension until 9/10/10 for the review of the Village @ Summit Crest (Private Water) Preliminary Plan and Village @ Summit Crest (Public Water) Final Plan. The Chairman asked if there were any questions or comments. Mr. Timpe stated that September 10, 2010 is one day after the September meeting, and the Board will have to make sure the Board meets. Mr. Timpe asked if it is possible to do a 100-day extension. Mr. Unger said that the form could be changed to specify a date instead of “90 days”. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Subdivisions/Zoning –

Village at Maidencreek Building Permit Appeal - Mr. Unger advised the Board that Larken Associates, developer of the Village at Maidencreek is appealing the Zoning Officer’s decision to reject their request for time extension on their building permits and require the townhomes to comply with the 2009 Uniform Construction Code, which requires sprinklers be installed in all townhomes that are new construction. Mr. Orlando asked if the Board would want someone to represent the Township at the appeal hearing.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Engineer and Solicitor to attend the Berks County Uniform Construction Code Appeal Board hearing to argue for the sprinklers and so forth and the 2009 Code be applied to building permits. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

Moyer Subdivision 2 Final Plan - Mr. Rader, the developer’s engineer and Mr. Unger reviewed the Moyer Subdivision 2 Final Plan with the Board. Mrs. Linda Fritzing (executrix) stated that she intends to keep the land in farming.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Chairman to sign the request for the Pennsylvania Department of Environmental Protection Planning Module Waiver and Non-Billing Declaration for the Moyer Subdivision 2 Final Plan. Hearing no questions on the motion, all members voted, “Aye”. Motion carried

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Moyer Subdivision 2 final plan to Chapter 190, Section 190-33 of the Code of Maidencreek Township, which requires driveways to be paved for the first twenty feet from the cart way. 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 grant a waiver to the Moyer Subdivision 2 final plan to Chapter 190, Section 190-32B (1) of the Code of Maidencreek Township, which requires expanding the existing cart way width of Snyder Road and Orchard Road. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

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A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Moyer Subdivision 2 final plan to Chapter 190, Section 190-36 of the Code of Maidencreek Township and not require the setting of two rear property monuments. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant final plan approval to Moyer Subdivision 2 Final Plan contingent upon the completion of all outstanding items in the Systems Design Engineering review letter dated May 28, 2010, which is incorporated by reference. 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 \$207,772.64. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Jim Hollenbach of the Villa at Maidencreek – Mr. Hollenbach thanked the Township, its employees, Solicitor and Engineer for working so well with his staff during his project.

PUBLICS WORKS

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

SOLICITOR'S REPORT

Investigate options for completing the Villa at Maidencreek road improvements in accordance with statutory requirements

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to modify the condition regarding the Villa at Maidencreek Road Improvements upon the Solicitor's advice to accept a contribution of \$105,000 for road improvements. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Review Act 32 of 2008 to determine if the statute authorizes the Tax Collection Committee to bill the Township prior to collection of taxes - Mr. Orlando advised the Board that the Tax Collection Committee has the authority to bill participating townships, municipalities, etc. Mr. Rudderow updated the Board regarding the last Tax Collection Committee meeting he attended.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Township Manager to pay the bill in the amount of \$610.31 for Maidencreek Township's portion of the costs for Act 32 until September of 2010. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Mr. Rudderow advised the Board that September 1 starts the new budget year for the Tax Collection Committee.

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Improvements Agreement – Villa at Maidencreek

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Township Manager to sign the Villa at Maidencreek Developer's Improvement Agreement once it is signed by the Developer and is approved by the Township Solicitor. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Esbenshade Land Development Plan - Mr. Orlando advised the Board that the Township has not officially heard from the Attorney General's Office regarding the Esbenshade Plan and the Attorney General's review of Township action in regards to the ACRE Law. However, Maidencreek Township Water Authority Solicitor has had some phone conversations with the AG's office.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Township Solicitor to contact the Pennsylvania State Association of Townships and bring them up to date on the matter. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

COMMUNICATIONS & QUESTIONS

Public Comment

Mr. Tranquillo – Buena Vista Road – Asked the Township to look at the bridge on Calcium Road regarding the over growth of vegetation. The Board advised that the Road Crew would go out and look.

TREASURER'S REPORT/MANAGER'S REPORT

Treasurer's Report and Bill List

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to approve the May 2010 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

PARK & RECREATION:

Willow Creek Grant Award – Ms. Hollenbach advised the Board that the US Department of Interior Fish & Wildlife Service has given the Township a \$50,000 grant for the improvement of the Willow Creek area. This is a matching grant, which may be matched with in-kind service. Ms. Hollenbach stated that John Buzzer of the PA Fish & Boat was very instrumental in getting the grant.

ORDINANCES:

Parade & Procession Ordinance #225 - A public hearing was held this evening at 7:03 pm to discuss Parade & Procession Ordinance.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adopt amendments to the Maidencreek Code of Ordinances #225, Chapter 141 entitled Parades and Public Gatherings. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

OLD BUSINESS:

Personnel Rules & Regulations – Ms. Hollenbach distributed a draft copy of the Personnel Rules and Regulations to the Board for their review. The Board discussed section G1 Political Activity of the regulation in depth. The Board would like the Township Manager to find out if there is a conflict of interest if a member of the road crew was elected Supervisor and was a member of the union. The Board would like to meet with the Personnel Committee to discuss the Draft Personnel Rules & Regulations. Ms. Hollenbach will arrange the meeting.

NEW BUSINESS:

Community Block Grant – Ms. Hollenbach advised the Board about an opportunity to apply for a Community Block Grant.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Manager to apply for the Community Block Grant for roadwork on Buena Vista Road and Water Street. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Act 129 Energy Efficiency – Streetlights and Traffic Signals - Ms. Hollenbach advised the Board regarding LED lights for Rt. 73 & Rt. 222 and Rt. 222 & Tamarack Blvd. Ms. Hollenbach told the Board that they would be able to use State Liquid Fuels Money to pay for this change. Ms. Hollenbach did receive a quote from Telco.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Manager to get two more quotes if possible in addition to the quote received from Telco to replace the traffic signals lights at Rt. 73 & Rt. 222 and Tamarack Blvd and Rt. 222, also to authorize the work, not to exceed \$9,000.00. Hearing no questions on the motion, all members voted “Aye”. Motion carried. Ms. Hollenbach advised that by passing this motion this will go towards the mandatory 10% reduction of electric municipalities must make.

Ms. Hollenbach advised the Board that she spoke with Tracey Palmer at Met-Ed regarding the change over of the street lighting from Mercury Vapor to Sodium Vapor lights. About two months prior, Met Ed increased their rate by 14% to help pay for this change over.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Manager to start the process of swapping out the mercury vapor streetlights light for sodium vapor street lights and that the Township Manager investigate the appropriate wattage necessary. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

Emergency Services Run Card Decision

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to have the Fire Chief and Blandon Ambulance President complete the Emergency Services Run Cards to designate the order of contingency of responding equipment and resources and submit a copy to the Township. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

Chapter 67, Section 67-3D of Township Code – Animals – Tabled

Cleaning W Walnut Tree Drive Culvert – Tabled for more quotes.

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Air Conditioner Replacement

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to have M&M Mechanical LLC to replace the office air conditioning units as quoted not to exceed \$3,800.00 with the Trane 5 ton system. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Rain Garden Grant – Maidencreek Watershed Association – Ms. Hollenbach advised the Board that the Maidencreek Watershed Association received a grant to install a rain garden at the municipal building. The rain garden would help with the storm water runoff that comes from Route 73, runs down Quarry Road, and floods the parking lot. The Watershed Association will use volunteers to construct the rain garden and will use it for educational purposes for the residents and school districts of the water shed area. The Board asked to see a sketch of how the rain garden will look and asked when the installation will take place.

The Board went into executive session from 9:10 pm to 9:30 pm to discuss personnel and litigation issues.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adjourn the June 10, 2010 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:30 P.M.

Recording Township Secretary, June 10, 2010

Township Secretary, June 10, 2010

Cc: Board of Supervisors
Eugene Orlando, 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