

Maidencreek Township Board of Supervisor Meeting  
December 10, 2009 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: Mark Yoder, Carl Moyer, Scott Miller of SBI, Attorney Douglas Rauch of SR&B, Attorney Henry M. Koch, Attorney Dan Becker, Chris Bradley and Derrick Hix of the Reading Eagle.

Claude Beaver called the December 10, 2009 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:00 p.m. in the Maidencreek Township Municipal Building.

POLICE REPORT –

Officer Dillman reported that the Northern Berks Regional Police responded to 267 assignments in Maidencreek Township in the month of November. This resulted in 54 citations. The traffic fines for Maidencreek for the month of November were \$1,290.79 and non-traffic fines were \$369.50, totaling \$1,660.29. The total number of patrol hours was 851.69 for the month.

A PUBLIC HEARING WAS HELD PRIOR TO THE START OF THE REGULAR MEETING  
Resolution 18-2009 - Financing of a Project by the Bandon Fire Company No. 1.

A motion was made by Roy Timpe, seconded by Claude Beaver, to adopt and authorize the Chairman to sign Resolution 18-2009 approving the financing of a new rescue pumper vehicle by the Bandon Fire Company. Hearing no questions on the motion, all members present voted, "Aye". Motion carried.

APPROVAL OF THE MINUTES

A motion was made by Roy Timpe, seconded by Claude Beaver, to approve the November 12, 2009 regular meeting minutes. Hearing no questions on the motion, all members present voted, "Aye". Motion carried.

ENGINEER'S REPORT

Subdivision Review Status Checklist

**Village @ Summit Crest Final Plan (Public Water) expires 12/15/09; Time Extension requested to 3/15/2010 and Village @ Summit Crest Preliminary Plan (Private Water) expires 12/15/09; Time Extension requested to 3/15/2010 –**

A motion was made by Roy Timpe, seconded by Claude Beaver, to grant the developer's request for an extension of time until March 15, 2010 for the review of the Village @ Summit Crest Final Plan (Public Water) and the Village @ Summit Crest Preliminary Plan (Private Water). Hearing no questions on the motion, all members present voted, "Aye". Motion carried.

**James Hardie Land Development Easement –**

Mr. Koch, attorney for Can Corporation of America and Mr. Becker, attorney for James Hardie Building Products advised the Board that they had gone to the Maidencreek Township Authority meeting the prior evening. Both parties are of the understanding that the Authority is not going to take action until both parties respond to the water and sewer line easement and dedication agreement prepared by the Authority solicitor.

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Because of the time restraint that James Hardie is under, Mr. Becker requested that the November approval motion be revised to eliminate the condition that Can Corporation, Frederick Giorgi and Hugh McIntyre Partnership and F & P Holding Company be required to dedicate all water and sewer lines to the Authority as a condition of the James Hardie Plan approval.

The Board went into executive session from 7:30 pm – 7:57 pm to discuss possible litigation.

A motion was made by Roy Timpe, seconded by Joe Rudderow III, that the condition for the final plan approval be removed that referenced water and sewer line dedication and easements for the Maidencreek Township Authority that are not directly under the control of James Hardie Building Products. This condition that is to be removed required the production of easements in favor of Maidencreek Township Authority from Can Corporation of America, F & P Holding Company and Frederick Giorgi and Hugh McIntyre Partnership. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Next Supervisor Meeting January 4, 2010 –**

A motion was made by Roy Timpe, seconded by Joe Rudderow III, authorizing the Township Manager to advertise the annual reorganization meeting for January 4, 2010 with the regular meeting to follow, and the Township Manager and Solicitor to agree upon a time. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Subdivisions/Zoning

**Villa @ Maidencreek & Corrado Commercial** – The Township Manager will contact Villa @ Maidencreek & Corrado Commercial regarding time extensions to their plan review period.

Projects

**Act 537 Plan** – No action required by the Board at this time.

Subdivision Improvement Agreement Letter of Credit

A motion was made by Roy Timpe, seconded by Joe Rudderow III, to authorize the Chairman to sign the Subdivision Improvements Agreements Letter of Credit/Escrow Release Letters in the amount of \$596.08. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

**PUBLICS WORKS**

Tires are needed for Trucks #1, #2 and #4 –

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to purchase tires for Trucks #1, #2 and #4 with the cost not to exceed \$2,400.00. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**SOLICITOR'S REPORT**

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

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**James Hardie Developers Improvements Agreement -**

A motion was made Roy Timpe, seconded by Joe Rudderow III, authorizing the execution of the James Hardie Building Products Developer's Improvements Agreement by the Board of Supervisors when all conditions have been met to the satisfaction of the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

ORDINANCES

**Police Mutual Aid Agreement -** Mr. Orlando advised the Board that he has contacted various solicitors regarding the Police Mutual Aid Agreement; however, there is still no progress in this matter. Ms. Hollenbach will be attending the Police Commission meeting and will be asking a list of questions as put forth via email by the Board.

A motion was made by Roy Timpe, seconded by Joe Rudderow III, to table this issue until the questions put forth via email are answered to the Board's satisfaction. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Ontelaunee Township/Dries Road Mutual Cooperation Agreement –** The Board would like this issue added to the 2010 Traffic Ordinance.

**Mutual Cooperation Ordinance between Fleetwood Borough and Richmond Township concerning Joint Municipal Planning-**

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to advertise a public hearing on January 4, 2010 for the consideration of adoption of an ordinance to allow mutual cooperation between Fleetwood Borough, Richmond Township and Maidencreek Township in joint municipal planning. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

COMMUNICATIONS & QUESTIONS -

**From the Board –** None

**From the Manager & Professionals –**

Home on Ina Ave & Main Street – Carl Moyer (156 Main Street) called the Township to advise that since the Penn DOT paved Rt. 73, the home's basement has been flooding. They have contacted Penn DOT and were advised that this is a Township issue. The Board instructed the Township Manager to contact Penn DOT to find out why the Township should be responsible for a problem created by Penn DOT and authorized the engineer to look at the problem.

Lee Spring Road near Village @ Summit Crest – The Board advised the Road Crew to look at Lee Spring Road between Allison Place and Mountain Spring Road and repair it if possible.

**Public Comment –** None

TREASURER'S REPORT/MANAGER'S REPORT

**Treasurer's Report and Bill List**

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to approve the November 2009 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

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PARK AND RECREATION – None.

RESOLUTIONS

**911 Records Release Resolution** – Tabled.

**2010 Budget Adoption Resolution #19-2009–**

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to adopt Resolution #19-2009 the 2010 Budget. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**2010 Real Estate Tax Rate Resolution #20-2009–**

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to adopt Resolution #20-2009 the 2010 Real Estate Tax Rate. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

OLD BUSINESS – None.

NEW BUSINESS

**Repair Storm Water Pipe in Ontelaunee Heights –**

A motion was made by Joe Rudderow III, authorizing the manager to contract with LSR Enterprises to repair the storm water pipe in Ontelaunee Heights between lots 26 and 27. Joe Rudderow III amended the motion to include the cost of the project shall not exceed \$3,677, and the motion was seconded by Roy Timpe . Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Potential Police Merger** - The Board advise the Township Manager to put together a list of questions regarding Fleetwood Police becoming a part of Northern Berks Police Department and to distribute this list to the Supervisors and the Commission representatives from Leesport Borough and Ontelaunee Township.

**Larken Tax Assessment Appeal to Court of Common Pleas –**

A motion was made by Joe Rudderow III, seconded by Roy Timpe, authorizing the solicitor to review the Larken Associates tax assessment lawsuit filing in the Berks County Court of Common Pleas. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Letter from resident regarding Rt. 222 and Rt. 73** – A letter was received by the Township expressing concern over the unsafe condition that exists at the intersection of Route 222 and Route 73. The letter requested the installation of left turn arrows. The Township Manager was authorized to forward the letter to Penn DOT.

**Letter from resident requesting no parking area on White Birch Lane -**

A motion was made by Joe Rudderow III, seconded by Roy Timpe, to have the engineer look into the parking issue on White Birch Lane and the possibility of making the road one way. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

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An Executive Session was held from 9:03 pm – 9:10 pm to discuss litigation.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joe Rudderow III, to adjourn the December 10, 2009 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted, "Aye". Motion carried. Meeting adjourned at 9:10 P.M.

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Recording Township Secretary, December 10, 2009

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Township Secretary, December 10, 2009

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