

Maidencreek Township Board of Supervisor Meeting
July 5, 2017

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

Absent:

David Boulin, Cody Rhoads, Richard Wick, Francis Scott, Frank Klopp, Stephano Folino, Sal Folino, Heidi Fiedler, Gene and Mary Lou Bossler, Harold Miller, Virginia Frederick, Jim Schoellkopf

Joseph Rudderow III called the July 5, 2017 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:00 pm in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

MINUTES &
FINANCES

Approval of the Meeting Minutes

A motion was made by David Franke to waive the reading of the minutes and approve the minutes for the June 8, 2017 regular meeting as presented. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by Claude Beaver to approve the June 2017 Treasurer's Report and Bill List. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Virginia Frederick, 200 Genesis Drive, Blandon asked the Board to consider banning sky lanterns in the Burning Ordinance. They have been linked to starting fires. Someone released some on July 4th and one almost hit Ms. Frederick's home. Chairman Rudderow stated they sounded dangerous and thanked Ms. Frederick for bringing it to the Board's attention.

David Boulin stated he would like to make comment during the Engineering Report.

Gene Bossler, 122 Grove Road, Blandon brought to the Board's attention that the main problems at 115 Grove Road have not been addressed. There is mold, the roof is tarped and there are ground hogs. Mr. Rudderow asked if the Bosslers would meet with the Township Manager to go over their concerns so a letter could be sent to the Berks County Redevelopment Authority.

A motion was made by David Franke to authorize the Township Manager to send a letter to the Berks County Redevelopment Authority regarding Mr. Bossler's concerns at 115 Grove Road, Blandon. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Frank Klopp, 325 Main Street, Blandon asked what permits have been issued for 320 Main Street and also informed the Board that another trailer has been backed onto the property.

Heidi Fiedler, 432 East Wesner Road, Blandon questioned for what violations 320 Main Street was

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cited. Diane Hollenbach stated that the Code Enforcement Officer included in the Notice of Violation all violations he observed when he visited the property. The Notice of Violation was issued and Mr. Shuman has thirty (30) days from the time the certified mail was signed to address the issues, which included adding onto his shed without a permit and installing a pool without a permit.

REPORTS

ENGINEER'S REPORT

Melrose Place – Mr. Unger reported that he had spoken to Stephano Folino. Rob Haines of Berks Surveying would be submitting a grading plan for a swale in the Melrose Place Subdivision by Friday. Mr. Unger informed Mr. Haines that the grading must match the existing recorded plan. Any new plan would require other approvals.

David Boulin stated that he was concerned that the 2006 plan would not be followed. He did not understand why the soil was not being removed and the grading work was not proceeding after SDE's letter to the Folinis and the meeting held with the property owners. He was concerned that the minutes stated that there was nothing in writing committing the Folinis to the promises made by their representatives at that meeting with the property owners and felt a Memorandum of Understanding would be in order.

Sal Folino, legal counsel for the Folinis, stated that Mr. Boulin's concerns are premature and the Folinis cannot start removing soil until they have a plan to follow.

Mr. Boulin reiterated that clearly there is an approved plan and survey, and he would like a Memorandum of Understanding stating the contours of his sister's property do not meet the plan and the Folinis will rectify this. Mr. Unger added that when he met in the field with M & A Excavating and the representatives from Berkshire Builders, they agreed to grade the property to match the existing plan.

Chairman Rudderow asked Stephano and Sal Folino if they agreed to grade per the approved plan. Stephano Folino stated it will depend on the surveying and if they can make it work. Mr. Unger stated that the swale in question was inspected in 2008-2009. In the last eight years, it has changed and is no longer the same as inspected.

Sal Folino stated there are two separate issues: The Township swale and the Solberg lot. Chairman Rudderow stated that the Township wants the swale graded to match the recorded plan. He appreciated the Folinis working with the residents and wants that to continue. Stephano Folino stated they will do whatever it takes to match the approved plan. David Boulin added, "Within a reasonable time?"

Meadowbrook Sinkhole – Mr. Unger stated the repair is made but no invoice has been received.

West Walnut Tree Storm Water – Mr. Unger stated the project is complete but no request for payment has been received.

Street Projects – Mr. Unger updated the Board on the start of the road work on Evansville Road. The rest of the project will be started in two to three weeks.

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Maidencreek Township Authority Sewer Rehab Project – Mr. Unger reviewed the project completed last year where the MTA had the sewer lines televised in the historical section of Blandon where the lines were clay. Issues were found and the Authority elected to do one project to correct all the problems using trenchless rehabilitation. The contractor will slip line the pipes with an epoxy coated sock and remove root balls. There will need to be some road cuts made and temporary road closures throughout the project. Claude Beaver asked if any pipes had collapsed. Mr. Unger replied that the issues were root balls and cracks in the pipes. This project will overlap the road work on W Wesner Road and Blandon Avenue and the Township and Authority are coordinating the work. The Authority will use flowable fill on W Wesner and Blandon Avenue to eliminate settling of the repair under the new paving. There will be appropriate notification, signage and traffic control.

2017 NPDES Permit Application – Mark Kitzmiller of Systems Design Engineering, Inc. presented the NPDES permit renewal components. The permit application is due September 17, 2017 and a thirty (30) day comment period is required at least forty-five (45) days prior to the application submittal. The goal is to improve the water quality in impaired waterways. Maidencreek Township for this permit round is required to reduce sediment and nutrients to Lake Ontelaunee and a section of the Willow Creek. The Total Daily Maximum Load for Lake Ontelaunee has been established by the PA DEP and the Township must reduce sediment and nitrogen by five (5) % over five years. The Township has a small scope of influence with only three drains in this area, two of which drain to the Lake. Mr. Kitzmiller and Mrs. Hollenbach met with the PA DEP regarding the Township's unique situation and they seemed to be in favor of the following approach for the Township's TMDL Plan for Lake Ontelaunee:

1. Year One – map the area and identify ownership and property uses pollutant potential.
2. Year Two – contact local agencies such as Berks Nature and the Berks County Conservation District to discuss property ranking and willingness to help communicate and educate property owners.
3. Year Three - meet with the landowners and try to gain their voluntary cooperation to implement Best Management Practices such as year-round crop cover.
4. Year Four and Five – evaluate progress, map gaps of property owners not cooperating and review what BMPs are working.

Chairman Rudderow asked what happens if property owners do not cooperate. Mr. Kitzmiller replied that it would need to be addressed in the next round. Chairman Rudderow stated this all comes out of EPA regulations and wondered how much money the Township had spent since 2003 on four (4) acres of land. David Boulin asked if the effluent from the outfalls was actually tested by the PA DEP. Mr. Kitzmiller stated that the TMDL is provided to the Township by the PA DEP and is based on theory, equations and formulas not hard data to develop the baseline. Mr. Boulin asked what the cost would be if the Township tested once a month.

Mr. Kitzmiller then discussed the new PRP regulation. The Pollutant Reduction Plan for a section of the Willow Creek is required to reduce phosphorus by five (5) % over the five (5) year permit period. The plan achieves this through converting an agricultural field on Main Street to untreated meadow and the maintenance and continued growth of the Willow Creek Riparian Buffer Project. Both these items achieve a nine (9%) reduction in phosphorus.

Heidi Fiedler asked if there will be testing of effluent. Diane Hollenbach replied that the PA DEP is not advising Townships to do that and won't accept their test results. Mrs. Fiedler suggested a lab perform the testing.

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A motion was made by Claude Beaver to advertise the TMDL Plan and PRP Plan for a thirty (30) day comment period. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Letter of Credit and Escrow Release Letters

A motion was made by David Franke to authorize the Chairman to sign the Letter of Credit and Escrow Release Inspection Billing for Melrose Place and Jantz Subdivision in the amount of \$2,828.72. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

SOLICITOR'S REPORT

Verizon Cell Tower Assignment – Mr. Orlando reported that the Assignment Agreement has been received as well as the contact information requested.

A motion was made by David Franke to authorize the Chairman to sign the Verizon Cell Tower Assignment Agreement. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Melrose Place Developer's Improvement Agreement Extension(DIA) – Mr. Orlando stated the Developer's Improvement Agreement expires July 31, 2017. Sal Folino has requested an extension on behalf of his client and provided Mr. Orlando with a draft addendum to the DIA that is not yet signed by Rudolfo Folino who is suffering some medical issues. BB&T has advised that the Folinis have applied for an increase in the letter of credit and a second letter of credit will be issued for \$83,400.00 in the next week. Sal Folino added that there are twelve vacant residential lots in the subdivision and the extension is requested until January 31, 2018.

Chairman Rudderow asked if the amount of the letter of credit increase has been reviewed and is it satisfactory. Mr. Unger stated that the original letter of credit with the \$83,400 additional letter of credit is adequate to complete the Township DIA.

Mr. Orlando did not recommend signing the document before the developer but advised the Board could make a motion this evening to sign it when it is satisfactory to the Township Engineer and Solicitor and signed by the developer. Mr. Orlando added that the second addendum added provisions for core borings and this must be included in the third addendum. Diane Hollenbach suggested that if the roads are accepted for dedication before the twelve lots are built upon; the maintenance period be extended.

Heidi Fiedler asked if the \$83,400 covers the entire base being repaved. Mr. Unger stated that SDE looked at fifteen percent base repair due to degradation of the base.

A motion was made by David Franke granting an extension of the Melrose Place Developer's Improvement Agreement conditional upon the satisfactory review of revisions by the Township Solicitor and Township Engineer, including all addendum items from previous extensions, additional maintenance period after the dedication of the streets and receipt of additional financial security. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

David Boulin asked if the agreement includes earthmoving. Mr. Unger stated it did.

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A motion was made by David Franke to authorize the Chairman and Manager to sign the Melrose Place Developer's Improvement Agreement Addendum Three between meetings once conditions are met. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

MANAGERS REPORT

Fuel Tank Replacement – The fuel tank on Truck 6 is leaking and requires replacement. The Road Crew obtained two quotes, one for a plastic tank and one for a metal tank. The metal tank now lasted fifteen years, and the foreman was recommending replacing it with another metal tank based on the age of the vehicle and the cost of the tanks.

A motion was made by Claude Beaver to authorize the purchase and installation of a metal fuel tank at a cost not to exceed \$1,300. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Dog Park Project – The Park and Recreation Board requested permission to begin planning a dog park on the newly acquired property from the Authority. The Board members agreed they were favorable to this but wanted to see the plans as they were developed.

BUSINESS

Chestnut Street Crosswalk – A letter was received from the Blandon Mennonite Fellowship requesting a crosswalk on Chestnut Street. The Board authorized the Township Engineer to perform a traffic study in accordance with Penn DOT regulations to determine if the cross walk could be included in the Traffic Ordinance.

Ag Security Hearing

A motion was made by Claude Beaver to advertise the Agricultural Security Area Seven Year Review Public Hearing for September 14, 2017 beginning at 7 p.m. with the regular Board of Supervisors Meeting to immediately follow. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Schaeffer Road Bridge Easement – An easement agreement was received for the Schaeffer Road Bridge Project. The Township has the option to waive the fee or accept \$8,800 in payment for the easement.

A motion was made by Claude Beaver to authorize the Manager to sign the Schaeffer Road Bridge Easement paperwork accepting the \$8,800 offered. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Penn DOT Round About Agreement – The Board agreed to table this until the next meeting and asked for another copy of the agreement and the final round about plans when received.

EXECUTIVE SESSION 8:50 p.m. to 9:10 p.m. for personnel.

For the Good of the Order

Discussion was had about the pros and cons of a five-member Board of Supervisors as well as the legal requirements for getting the question on the ballot. This topic was on the ballot in 2006 by petition of the electorate. There by the Board at this time.

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A motion was made by Claude Beaver, seconded by David Franke, to adjourn the July 5, 2017 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:14 p.m.

Township Secretary,

Cc: Board of Supervisors
Eugene Orlando, Solicitor
Thomas Unger, Township Engineer
Planning Commission
Park & Recreation Board
Zoning Hearing Board and Alternates
Joan London, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Patrick Donovan, Maidencreek Township Authority General Manager
Megan Dompkowski, Maidencreek Township Authority Secretary
Daniel Becker, Authority Solicitor
Greg Unger, Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Brian Horner, Northern Berks Regional Police