

Maidencreek Township Board of Supervisor Meeting
June 8, 2017

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

Absent: Claude Beaver

David Boulin, Vickie Solberg, Cody Rhoads, Frank Klopp, Sal Folino, Heidi Fiedler, Daniel Miller, Jim Schoellkopf

Joseph Rudderow III called the June 8, 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.

Chairman Rudderow announced that executive sessions for personnel were held on May 22, 2017 and June 5, 2017.

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 May 11, 2017 regular meeting as presented. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

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

PUBLIC COMMENT

Heidi Fiedler, 432 East Wesner Road questioned when the Schaeffer Road Bridge was scheduled for repair. The bridge is a Berks County/PennDOT project with a let date of August 2017.

Ms. Fiedler then stated that Maidencreek Township is a beautiful community but 320 Main Street Blandon is an eyesore with the junk, vehicle repair, and half a chassis on the property. Ms. Fielder stated that the property is obviously in violation and asked what is being done about it. Chairman Rudderow explained that code enforcement is sent out to a property when a formal complaint is made and asked if Ms. Fiedler was making a formal complaint. Ms. Fiedler stated that she wanted to make an official complaint. She added that she had already spoken to the zoning officer and he indicated that the property is in violation and the next step is a citation. Ms. Fiedler asked the Board to issue a citation to the property. Chairman Rudderow stated that her complaint was made and the zoning officer would follow the process.

David Boulin stated that he had comments on other agenda items.

Frank Klopp, 325 Main Street, Blandon stated that the property across the street from him (320 Main Street) is decreasing his property value and he has to look at it every day.

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REPORTS

ENGINEER'S REPORT

Mr. Unger reported that the Planning Commission had begun the review of the Subdivision and Land Development Ordinance.

Melrose Place – A meeting was held in the field with Berkshire Building Systems, M & A Excavating and some home owners on Sofia Blvd. The meeting went well at the time but there were no owners of the development present. The Folinos are concerned about the extent of the work discussed at the meeting and have agreed to meet next week. Mr. Boulin stated that there is clearly a mandate per SDE's letter that the work will be completed thirty days from May 5th. The only thing that has happened is a new meeting so that a principle of the company can be there who can make a decision; however, there is nothing in writing committing the Folinos to the work discussed. Sal Folino of Brennan Law stated he was representing Folino Builders. There is a new principle and progress is being made. The plans discussed at the meeting Mr. Unger referenced were sent to Berks Surveying for stake out and M & A Excavating is busy with other jobs. A lot of work was happening behind the scenes. Mr. Boulin requested that the work be covered under the Melrose Place Improvements Agreement Extension. Vickie Solberg, 317 Sofia Blvd, Blandon commented that work has started on her neighbor, Ryan Crampsie's property, and he is very happy. Mr. Folino stated that about three hundred loads of fill would be removed in about a week.

Meadowbrook Sinkhole Repair – Mr. Unger reported that Wexcon repaired a sinkhole that developed in the Meadowbrook development. Chairman Rudderow asked if the cause was determined. Mr. Unger stated there were remnants of blasting wires and caps on a limestone outcropping. It took seven yards of flowable material to fill the sinkhole, which was then capped with bentonite. Chairman Rudderow asked that the sinkhole repair be checked at six months and one year.

W Walnut Tree Storm Water Pipe Repair – Mr. Unger reported that the repair went well with a few punch list items remaining.

2017 Road Work – Mr. Unger reported that the contract was awarded to H & K. The Notice of Intent to Award was issued and contracts should be returned soon.

MS4 Permit Renewal – Mr. Unger stated that the Permit package is on schedule to be reviewed at the July meeting which allows a thirty-day public comment period prior to the September 16th due date.

Jantz Subdivision – Mr. Unger explained that the Jantz Subdivision was a minor two lot subdivision that is ending its eighteen-month maintenance period. The improvements were inspected and everything is completed.

A motion was made by David Franke upon the recommendation of the engineer to approve the release of the Jantz Subdivision escrow in the amount of \$2,525.45. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Schaeffer Road Bridge – Tom Gorgia, 307 Monaco Drive, Blandon asked for an update on Schaeffer Road Bridge. He was concerned that the new bridge will be open to trucks and the Township should look at restricting the bridge and road. Mr. Gorgia also asked what the inspection schedule was on the bridge. Mr. Unger replied it was a yearly inspection. Chairman

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Rudderow asked Mr. Unger to think of ideas to help discourage tractor trailers from using Schaeffer Road.

SOLICITOR'S REPORT

Cellco/Verizon Assignment of Cell Tower – Mr. Orlando stated that Cellco had no issue providing the address of the entity who is taking assignment of the proposed cell tower. The name of the company was clarified to be Parallel Infrastructure Tower Development LLC and PI Tower Development LLC was an abbreviated form of the company's name. David Lozier, attorney for Cellco/Verizon has not yet forwarded the additional information requested. The agreement was tabled.

Melrose Place Improvements Agreement – Mr. Orlando stated that the Melrose Place Improvements Agreement Extension expires July 31st. The Board of Supervisors can terminate the agreement if a breach has occurred. These aspects are litigation related and should be discussed in executive session if the Board wishes. The Municipal Planning Code sets the parameters of approving a final plan without installing required facilities. The Township does have the right to increase the amount of the money being held for improvements as prices change. During the last extension, the prices were in line and the developer agreed to do base core borings and repairs. At this point in time, the Township does not have a formal request to extend the time on the agreement. The engineer is reviewing the numbers in the cost estimate now.

Default of the Improvements Agreement (IA) was discussed and the drawing down on the letter of credit. In a default situation, the Township would have to complete the work under the agreement under prevailing wage law and publicly bid the work. Mr. Orlando mentioned Tighe Holdings, a developer that sued the Township in the late 1990s after the Township drew down on his letter of credit for default on the IA. Another developer went bankrupt and their bank went under. Mr. Boulin was concerned about builders that went broke and asked if the Township was looking at this. Chairman Rudderow stated the Township will handle issues as they occur. Ms. Fiedler stated that the ten percent contingency fee in the Improvements Agreement should cover prevailing wage. Ms. Fiedler asked if money was released from the letter of credit for storm water. Mr. Unger replied that there is money in the letter of credit for the basin conversion, and the developer is responsible for the storm water operation and maintenance. This is also the reason why the Township has the ten percent contingency fee. Ms. Fiedler asked what the total cost to complete the development was. Mr. Unger did not want to speak to that number until he had adequate time to review everything.

MANAGERS REPORT

Diane Hollenbach presented a written report to the Board and added that she had contacted Penn DOT about the Guldin Road railroad crossing condition and attended a utility meeting for the Route 222 project. A traffic signal plan has been received for the intersection of Route 73 and Route 222 with dedicated left turn arrows on Route 73 only.

Zoning and Codes - Mrs. Hollenbach reviewed progress on three zoning issues. The 336 Cassidy Court, Blandon unlicensed and unregistered vehicle violation is waiting for a hearing to be scheduled with the District Justice and 115 Grove Road Blandon, the blighted property, is waiting for action by the Berks County Redevelopment Authority. 320 Main Street was previously served a Notice of Violation in January and made some progress and had the time extended another thirty days to clean up. For the benefit of the audience, Mr. Orlando

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explained the difference between a zoning enforcement notice and non-zoning violation for health and safety issues, citations and that fines are the sole discretion of the District Justice. Frank Klopp stated that there is an RV on jack stands on the Penn DOT property. Chairman Rudderow asked if Mr. Klopp had called Northern Berks Regional Police. Diane Hollenbach suggested issuing a Notice of Violation to Penn DOT since the violation is on their property.

FOR THE GOOD OF THE ORDER

Tom Gorgia asked how we could go about getting improvements under the Route 222 project, since Penn DOT is obligated to make improvements within a quarter mile of a project. Chairman Rudderow stated that he certainly has taken concerns to the Reading Area Transportation Study and will continue to do so.

A motion was made by David Franke, seconded by Joseph Rudderow III, to adjourn the June 8, 2017 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 8:25 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
Meagan 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