

Maidencreek Township Board of Supervisors
August 9, 2018

Attending: Claude Beaver, Joseph Rudderow III, Heidi Fiedler, Christopher Garrell – Orlando Law Office, Tom Unger, P.E. – Systems Design Engineering, Inc., Diane Hollenbach – Manager

Guests: Stephanie Davenport, Francis A. Scott, Vickie Solberg, Tom Gorgia, Theresa Gorgia, Jason Bailey, Jim Schoellkopf, Jr., Bernice Villesenor, Val Lacis – Reading Eagle

Claude Beaver called the August 9, 2018 meeting of the Board of Supervisors to order at 7:00 p.m. in the Maidencreek Township Building, 1 Quarry Road, Blandon and asked everyone to rise for the Pledge to the Flag.

MINUTES & FINANCES

A motion was made by Heidi Fiedler to waive the reading of the minutes and approve the minutes for the July 12, 2018 meeting. 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 Joseph Rudderow III to approve the July 2018 Treasurer's Report and Bill List. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Bernice Villesenor, 224 W Walnut Tree Drive requested that the Township remove the trees that fell across the stream on her property. The cost of removal is prohibitive and considering the taxes she pays, Ms. Villesenor felt the Township should remove the trees. Heidi Fiedler stated the creek is eroded and undermining the tree roots. This continues to be a problem as well as possibly undermining the bridge. Ms. Fiedler questioned the resolution on the agenda to adopt changes to the Berks County Hazard Mitigation Plan which states under property protection a Township shall stabilize erosion hazard areas by preventing erosion with proper bank stabilization. Chairman Beaver stated that it is the Township's policy to stay off of private property. Joseph Rudderow III asked who owns a stream. Mr. Garrell stated if a stream is within a property's meets and bounds, it belongs to the property owner.

A motion was made by Heidi Fiedler to remove the three trees on 224 W Walnut Tree Drive. The motion died for a lack of a second.

Mr. Rudderow asked what the cost would be to remove the trees. Heidi Fiedler asked for clarification on the Berks County Hazard Mitigation Plan. Ms. Villesenor stated that she receives everyone else's floodwater. Mr. Rudderow commented that that is not something new to her property and asked for clarification on what is the Township's responsibility, a cost

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estimate for the tree removal and all the other legal stuff that goes with it such as securing easements.

Tom Gorgia, 307 Monaco Lane, Blandon asked for an update on the Schaeffer Road Bridge work and informed the Board about unsafe conditions due to inadequate signage when East Wesner Road was closed for repair of a sewer line.

REPORTS

ENGINEER'S REPORT – Tom Unger, P.E., Systems Design Engineering
All Subdivision and Land Development plans are current through the September meeting.

GSP Properties – Mr. Unger reported that Systems Design Engineering is recommending language in the Storm Water Operation and Maintenance Agreement to assign maintenance responsibilities to GSP Properties for the storm water system that is discharging into Township property. Chris Garrell added that discussion has not begun with the developer on this agreement.

Melrose Place – The developer is working through the punch list items. Descriptions for the road dedication was received. Joseph Rudderow III asked if core borings were performed. Mr. Unger stated they were not because the developer agreed to all base repairs from visual inspection and in addition did a scratch coat and final coat. Mr. Rudderow III asked about the condition of the sidewalks. Mr. Unger stated that repairs are being made to driveway aprons and the Township does not accept dedication of the sidewalks. There is an extended maintenance agreement in the Improvements Agreement.

A motion was made by Heidi Fiedler to authorize the Solicitor to prepare the deeds of dedication and the resolution for the Melrose Place Subdivision. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Maidencreek Dog Park

A motion was made by Heidi Fiedler upon the recommendation of the engineer to approve for payment the final Application in the amount of \$1,626.85. Joseph Rudderow III seconded the motion and hearing no questions on the motion, all members voted, "Aye." Motion carried. Mr. Unger stated the Township holds a maintenance bond. Mr. Rudderow III asked if the dog waste dispensers were moved. Mrs. Hollenbach stated that they were.

2018 Road Project – Mr. Unger stated that the Notice to Proceed has been issued for the road project and the start date is July 25 with completion required by August 24, 2018. Contractors are behind due to the weather and work should begin in two weeks. Mr. Unger reminded the Board of the escalation clause that is triggered by rising asphalt prices. He did not believe that the project cost would increase by ten percent.

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Willow Creek Stream Bank Erosion – Mr. Unger reported that he and Mark Kitzmiller met Keith Shuman and Supervisor Fiedler at the site. There are small sections of erosion in the Township owned land but a lot more on private property. There is some sediment on one side at the bridge and the Township may maintain without a permit within fifty feet of the bridge. Mr. Unger suggested two methods of dealing with the bank erosion – riprap or habitat improvements. The Board agreed that the habitat improvement done prior was more environmentally friendly and preserved the rural characteristics. Mrs. Hollenbach explained that in order for the project to be done on private property, the property owners would have to sign agreements with PA Fish Commission to allow fishing on their property.

A motion was made by Heidi Fiedler to authorize the staff to begin paperwork and contact PA Fish Commission and Berks Nature to see if they will assist with the project. Joseph Rudderow III seconded the motion and hearing no questions on the motion, all members voted, “Aye.”

Jim Schoellkopf Jr. asked if the Board would be doing that for all other streams in the Township. Mr. Unger responded that we are working on the streams that other agencies are interested in participating in.

Schaeffer Road Bridge – Mr. Unger reported that the project is three weeks behind due to hitting excessive amounts of rock. They are still drilling. They are not driving the piles because of the excessive rock and there isn't too much vibration.

Grove Road – Mr. Unger stated that his office will have clear sight triangle calculated for the September meeting.

Mid Atlantic Escrow Release – Mr. Unger reported that punch list items are addressed and the eighteen-month maintenance period has ended. Chris Garrell reported that the company is in Chapter 11 bankruptcy and the money is frozen until the bank dismisses the bankruptcy. If the Board did not want to wait, they could petition the judge for a court order to proceed with disbursement. No action.

Schwab Land Development Letter of Credit Release – Mr. Unger reported that the improvements agreement eighteen-month maintenance period has expired and there are no punch list items to address.

A motion was made by Joseph Rudderow III to release the Schwab Land Development Letter of Credit for \$13,250.37. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

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Letter of Credit/Escrow Release Letters

A motion was made by Heidi Fiedler to authorize the Chairman to sign the Letter of Credit release letters in the amount of \$3,955.96. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion carried.

Vicky Solberg, 317 Sofia Blvd, Blandon asked if the swale had been inspected because all the grass is gone and there is erosion due to the rain. Mr. Unger responded that he will have someone inspect and add it to the punch list if appropriate.

SOLICITOR’S REPORT – Christopher Garrell

Mid Atlantic Energy Bankruptcy – Claude Beaver asked if there was a window on the bankruptcy stay. Mr. Garrell stated that there may be an asset purchase agreement in place. A lot depends on the terms of the agreement. The Board took no action.

232 West Walnut Tree, Blandon – Mr. Garrell reported that the defendant has retained counsel and District Justice Strand continued the hearing until August 28th at 2:30 p.m. The Township is seeking a fine for \$12,000. Because the violation was not appealed, the hearing is for damages.

MANAGER’S REPORT – Diane Hollenbach

Diane Hollenbach reported that Township pension distress score is 0. The Berks County convention for Township Officials will be October 18, 2018 beginning at 5 p.m. in the Oley Fair Centre and the Supervisors should let her know if they wish to attend.

Tom Gorgia, 307 Monaco Lane, Blandon reported to the Board that the signage for the repair of the sinkhole on East Wesner Road was poor and the steel plate had a bent corner that could puncture a tire and was not cold patched around the edge. Mrs. Hollenbach advised that she had reported these issues to the Maidencreek Township Authority.

Sinkhole Repair Guldin Road

A motion was made by Joseph Rudderow III to authorize the expenditure of \$4,000 for materials and equipment rental to repair the sinkhole in the shoulder of Guldin Road. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Sinkhole Millennium Drive and Stirling Street – A sinkhole opened on Millennium Drive next to the curb. It is over a storm water pipe and Mr. Unger is trying to get a contractor out to televise the pipe before repairing the sinkhole. The road crew has put a steel plate over the hole and cold patched it in place.

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National Night Out – Joseph Rudderow III commended the volunteers and Northern Berks Regional Police Department on the recent National Night Out. It took lots of effort and it was a shame that the weather didn't cooperate. Francis Scott commented that there are 362 pictures on Facebook.

BUSINESS

Planning Commission Appointment – The Board heard from the two candidates interested in serving on the Planning Commission. Tom Gorgia introduced himself as a thirteen-year resident interested in the Route 222 project and the changes it will bring to the community. He is retired with experience in the transportation industry, regularly attends Supervisors meeting and was part of the Route 222 Taskforce. Mr. Gorgia holds an Associates Degree in Civil Construction and will offer a fresh perspective on where we are headed.

Jason Bailey, a twenty-year resident of the Township told the Board he was a Penn State graduate with a degree in Civil Engineering and a masters from Alvernia in Business Administration. Mr. Bailey sits on the Berks County Conservation District Board as an associate board member. He is up to date on regulations and has a good working relationship with the Township professionals. Mr. Bailey stated that in land planning the Commission must follow the Municipalities Planning Code and Township Ordinances and not personal beliefs. Mr. Bailey has experience with meeting those regulations. Mr. Rudderow III asked Mr. Bailey to expand on his knowledge of MS4 regulation. Mr. Bailey stated that the PA Department of Environmental Protection is currently focused on the Chesapeake Bay but will target the Delaware River in the next five years. There is very little funding but the PA DEP is moving beyond Townships education efforts and wants to see more projects that keeps storm water out of storm water pipes.

Mr. Rudderow III thanked both candidates for their willingness to participate and commented that he has been troubled since day 1 about MS4.

A motion was made by Joseph Rudderow III to appoint Jason Bailey to the Maidencreek Township Planning Commission with his term expiring December 31, 2018. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously. Ms. Fiedler stated she appreciated Mr. Gorgia's input and the Board will consider him for future positions. Mr. Beaver thanked both candidates.

Park and Recreation Board Appointment – The Board heard from Stephanie Davenport about her interest in serving on the Park and Recreation Board. Ms. Davenport is a graduate of Penn State's Hotel and Restaurant Management program and has a Master's Degree in Education. She is a thirteen-year resident and has been involved in Boy Scouts and Girl Scouts and volunteered for various Scout projects in the parks. She stated that she is passionate about children having a

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safe place to play. Ms. Davenport looked forward to sharing her ideas with the Park and Recreation Board and enjoyed the dog park.

A motion was made by Joseph Rudderow III to appoint Stephanie Davenport to the Maidencreek Township Park and Recreation Board with her term expiring December 31, 2018. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Resolution 16-2018

A motion was made by Joseph Rudderow III to adopt Resolution 16-2018 appoint Heidi Fiedler and Jim Meals to the Berks County Tax Collection Committee. Claude Beaver seconded the motion and hearing no questions on the motion, Joseph Rudderow III and Claude Beaver voted, "Aye." Heidi Fiedler abstained.

Executive Session 8:30 p.m. to 8:37 p.m. to discuss potential litigation.

Communication with Maidencreek Township Authority

A motion was made by Heidi Fiedler to communicate to the Maidencreek Township Authority Board and General Manager expressing concerns about the improper traffic control during the sewer line repair on East Wesner Road. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Resolution 17-2018

A motion was made by Heidi Fiedler to table Resolution 17-2018. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Joseph Rudderow III, seconded by Heidi Fiedler, to adjourn the August 9, 2018 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 8:38 p.m.

Diane Hollenbach, Township Manager/Secretary/Treasurer