

Maidencreek Township Board of Supervisor Meeting
September 21, 2011 7:00 pm

Present: Claude Beaver, 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: Angelo Corrado, Steve DeLucas – Reading Eagle, Wendy McCooley, Bob Ramsey, Bill Miller and Joe Higgins

Claude Beaver called the September 21, 2011 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:00 P.M. in the Maidencreek Township Municipal Building.

MINUTES & FINANCES

Approval of Regular Meeting Minutes

A motion was made by Roy Timpe, seconded by Claude Beaver, to waive the reading of the minutes and approve the minutes of the August 11, 2011 regular meeting as presented. Hearing no questions on the motion, all members present voted, “Aye”. Motion carried.

Treasurer’s Report and Bill List

A motion was made by Roy Timpe, seconded by Claude Beaver, to approve the August 2011 Treasurer’s Report and Bill List. Hearing no questions on the motion, all members present voted, “Aye”. Motion carried.

Approval of 2012 MM0

A motion was made by Roy Timpe, seconded by Claude Beaver, to adopt Resolution 18-2011, the 2012 Minimum Municipal Obligation for the Non-uniformed Employees’ Pension Plan in the amount of \$40,855. Hearing no questions on the motion, all members present voted, “Aye”. Motion carried.

REPORTS

Police Report - The Northern Berks Regional Police responded to 353 assignments in Maidencreek Township in the month of August. This resulted in 107 citations. The traffic fines for Maidencreek for the month were \$1,115.69 and non-traffic fines were \$612.35 for a total of \$1,728.04. The total number of patrol hours was 703.11 for the month.

Maidencreek Township Authority – Mr. Donovan reviewed the September 2011 MTA Monthly Report. Mr. Donovan advised the two storms did cause some trouble for the Sewer Department. Mr. Donovan stated that with Tropical Storm Lee, Well 5 ground water rose thirteen feet. Mr. Donovan thanked the Board for taking a moment of silence at the August 11, 2011 meeting for Mr. Keim and for switching health insurance plans. The new plan has better benefits and saves the Authority money.

PARK & RECREATION

Community Park Restrooms - Mrs. Hollenbach reviewed the bids that had been opened at the bid opening that afternoon for the Community Park Restrooms. Matt Davenport of Watkins

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Architects answered various questions that the Board had regarding the materials used in the project. The Board strongly recommended installing a duplex sewage pump. The Board asked for the Park & Recreation Board recommendation on which alternates to include in the project.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to accept the bids for the Community Park Restroom Project for review. 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 forward the bids to the Park & Recreation Board for review and recommendation of which scenario to award with the Board strongly recommending installation of a duplex sewage pump. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

MUNICIPAL ENGINEER

Subdivision Review Status Checklist

Esbensshade Preliminary Plan expires 9/28/11; extension to December 28, 2011

A motion was made by Roy Timpe, seconded by Claude Beaver, accepting the Developer's request for a time extension to the review period for the Esbensshade Greenhouse Land Development Plan until December 28, 2011. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Subdivisions/Zoning

The Crossing at Maidencreek Hill Road Inspection – Mr. Corrado asked the Board for an extension to complete the work in his Improvement Agreement again. Mr. Corrado explained that he has been trying to work with the bank to get the financing needed to do the work on Hill Road. Mr. Adams of Stevens and Lee (attorney for Mr. Corrado's bank) spoke with Mr. Orlando to receive a better understanding of the situation. After a lengthy discussion between all parties, the Board made the following motion and decided that if a draw down is done against Mr. Corrado's letter of credit, it will be for costs associated with paving Hill Road, the cost of bidding the work and all open invoices due to the Township by Mr. Corrado.

A motion was made by Roy Timpe, seconded by Claude Beaver, to agree to defer further adverse action in contention with their earlier motion until the close of business on September 27, 2011 in order to give the developer a little more time to work out his issues. If the Township is not presented with documentation satisfactory to the Township Solicitor that indicate that the Hill Road paving work will be completed by the end of October, the Township Engineer is authorized to move forward with public bidding with regard to Hill Road. The Township may thereafter draw on the Letter of Credit in accordance with the Improvements Agreement. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

PUBLIC HEARING

A public hearing on the Joint Comprehensive Plan was held from 7:36 P.M. until 7:45 P.M. The Chairman reconvened the Board of Supervisors meeting at 7:45 P.M.

Projects

2011 Annual Street Project

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize final payment to EJB Paving in the amount of \$89,410.00 for the 2011 Annual Street Project. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Penn DOT Mylars from McMann Associates – The Board discussed at length the fact that the Township should not be responsible for the upkeep of the sidewalk curb cuts and handicap ramps in areas where they lead to nothing.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, tabling signature of the traffic signal plans for Route 73 and Route 1010 and authorized the Township Manager to return the traffic signal plans unsigned and include a letter to McMann Associates stating that the Board of Supervisors felt that the plan to put in the curb cuts and handicap ramps was a mistake; the Supervisors sent recommendations previously and are including them again for review; and do not want to burden the tax payer with the obligation of maintaining the curb cuts and handicap ramps nor do they accept the cost of repairing and replacing the additional signals and push buttons when they become faulty. 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 \$400,712.81. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

MUNICIPAL SOLICITOR

Treetops Detention Basin – Homeowners Association lost basin at tax sale to Witty Real Estate – Mr. Orlando advised the Board that there are issues that need to be discussed in executive session regarding possible legal action for Treetops Detention Basin. Mr. Orlando also advised the Board that the Township Manager and Engineer discussed incomplete items in the TreeTops Phase II Improvement Agreement that SDE could complete using the Developer's Improvement Escrow.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Township Engineer to proceed with completion of the outstanding items in the TreeTops Phase II Improvement Agreement. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Resolution 19-2011 Joint Comprehensive Plan Adoption – Mr. Orlando reviewed the Joint Comprehensive Plan. The Board stated that they want local government to stay local and not move to centralization of government. Mr. Orlando stated that the Board may withdraw from joint planning at anytime if they find that it is not working.

A motion was made by Roy Timpe, seconded Joseph Rudderow III, to adopt Resolution 19-2011 The Fleetwood, Maidencreek, Richmond Joint Comprehensive Plan. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

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Draft Earned Income Tax Ordinance Revision – Mr. Orlando confirmed that the Board wanted to continue levying the Earned Income Tax on non-residents and adopt no exemptions to the tax. The Board agreed to continue this policy.

Curfew Ordinance – Claude Beaver requested the Township Manager obtain a copy of Cumru Township’s newly adopted Curfew Ordinance.

Agreement/Enforcement – 320 Main Street occupying property without certificate of occupancy – To be discussed in executive session.

MANAGER’S REPORT

2010 Recycling Performance Grant – Ms. Hollenbach advised the Board that the Recycling Performance Grant awards would be 40% less next year.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Chairman to sign the 2010 Recycling Performance Grant. Hearing no questions on the motion, the Board voted as follows: Mr. Timpe and Mr. Rudderow III voted, “Aye”, Mr. Beaver “Abstained”. Motion carried.

Fire Police

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, appointing Annette Becker to the Blandon Fire Police. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

Trick or Treat Night

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, designating the official 2011 Trick or Treat Night to be October 31, 2011 from 5 P.M. to 9 P.M. Hearing no question on the motion, all members voted, “Aye”. Motion carried.

Zoning Hearing Board – Ms. Hollenbach advised the Board that Bruce Major has notified her of his intent to resign as Zoning Hearing Board Alternative because he is moving from the Township. Jason Valick is running for one of two Fleetwood School Board positions and would resign should he win. The Board advised Ms. Hollenbach to put a request in the Township Newsletter for volunteers.

Change in Polling Place – Beginning with the November Election, Precinct 3 will vote at the Keystone Assisted Living Facility on Park Road instead of Andrew Maier Elementary School.

Labor Negotiations – To be discussed in executive session.

PUBLIC COMMENT

Mr. Joe Higgins of Faith Drive discussed traffic and speeding concerns with the Board on Faith Drive. Claude Beaver suggested that Faith Drive could be made into a one way street from Hope Drive to Schaffer Road thus eliminating traffic cutting through the development.

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NEW BUSINESS

Resolution 20-2011 Support for the National Guard and Reserve

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adopt Resolution 20-2011 Supporting the National Guard and Reserve. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Declaration of a Disaster Emergency

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adopt the Declaration of Disaster Emergency for Tropical Storm Lee. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Grant for Willow Creek Restoration Project

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Chairman to sign the Schuylkill River Heritage Grant for the Willow Creek Restoration Project. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

The Board went into executive session at 9:15 P.M. until 11:10 P.M. to discuss labor negotiations and litigation.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the Township Manager and Solicitor to pursue the rights of the citizens under the Trust Agreement with a view to ultimately restoring the public facilities in the TreeTops Development and a functioning Home Owners' Association. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Since there was no further business, a motion was made by Joseph Rudderow III, seconded by Roy Timpe, to adjourn the September 21, 2011 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Meeting adjourned at 11:15 P.M.

Recording Township Secretary, September 21, 2011

Township Secretary, September 21, 2011

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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 Hobough, 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