

Maidencreek Township Board of Supervisors

November 9, 2023

7:00 p.m.

Attending: David Franke, Heidi Fiedler, Joshua Meck, Hunter Ahrens, Eric Frey, Esq. of E. Kenneth Nyce, and Keith Shuman.

Guests: Dennis West, James Fegley, Donna Culp, Anthony Spero, Eric Bauman, Mark Yeaton, David Brown, Mike Schittler, Heather Schoener, Beatriz Alvarado, Vicki Harkin, Cliff Panneton, Gavin Milligan, Donna Bissinger, Yvonne Scalse, Jonathan Gruber, Nancy Runyon, Aaron Rogers, and other members of the community.

Attending the Zoom: Brooke Meck, Robert Wood, Debbie Didyoung Nicole Manley, Haley Stufflet, Emily Evans, as well as several members of the community.

David Franke called the regular meeting to order at 7:04 p.m. with the Pledge to the Flag.

APPROVAL OF THE AGENDA

Heidi Fiedler made a motion to approve the November 9, 2023, Agenda with a correction to remove the Introduction of False Fire Alarm Penalty Ordinance. Joshua Meck seconded the motion. Hearing no question on the motion, all members voted “Aye.” Motion passed.

MINUTES AND TREASURER'S REPORT

Heidi Fiedler motioned to accept the August 24, 2023, Special Meeting Minutes. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

Heidi Fiedler motioned to accept the October 12, 2023, Regular Meeting Minutes, with minor corrections. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

Heidi Fiedler motioned to accept the October 16, 2023, Special Meeting Minutes. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

Heidi Fiedler motioned to approve the October 2023 Treasurer’s Report and the Check Request List for October 2023 bills. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

PUBLIC COMMENT

Cliff Panneton, 2 Genesis Drive.

Mr. Panneton addressed the Vision Zero policy about safety, stating he witnessed drivers driving out the roundabout entrance for Genesis Drive into Maidencreek Estates, Penn State Health workers also witnessed this happening. He said that someone from Georgetown Village made a sign to stop drivers from going out of the entrance. Mr. Panneton asked if this could be addressed by putting up professional signs due to a real safety issue stating some drivers entered the roundabout the wrong way. The Board agreed there should be two signs and it is in the Township right-of-way.

Mr. Panneton also asked about Greenwich Township Board of Supervisors meeting minutes, authorizing the solicitor to prepare intergovernmental agreements to share administrative

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services with Maidencreek Township. Ms. Fiedler stated she was not aware of any inter-municipal cooperation or services from Greenwich Township. Mr. Franke stated Diane Hollenbach will be assuming the responsibility of part-time Township Manager starting the new year. Mr. Frey stated Greenwich Township agreed to share services with Maidencreek Township, but no formal action has been taken here at Maidencreek Township. Ms. Fielder said she was not part of the discussion with Greenwich Township to bring Diane Hollenbach back. Mr. Franke stated there was no agreement with Greenwich Township, they were only asked if they would be interested. The discussion continued between the Board members. Mr. Frey said we are in public comment right now, stating Ms. Fielder could discuss this matter at another time.

Dennis West, 218 Callery Drive.

Mr. West gave handouts to the Board about Tree Tops residents' request to vote to revoke the Trust. He stated in June 2023 Mr. Fielding called a meeting to discuss the future of Tree Tops due to retiring on December 31, 2023, passing the maintenance of the drainage ditch to Maidencreek Township. Only 70% of the residents in Tree Tops are in the Trust and responsible for the drainage ditch. Mr. Fagley supervised the vote and is working with Mr. Fielding to maintain the Trust. Mr. Frey was aware of the request but not aware of the vote that occurred and will give the Board advice for the December meeting.

James Fagley, Attorney for Tree Tops Trust.

Mr. Fagley stated Mr. Fielding was not able to be here tonight to make his presentation. He said he has written certification notarized that 113 votes "Yes" and 3 votes "No" and exhibits for the Township's Solicitor asking to have a decision at the December or January meeting.

Eric Bauman addressed the question about the pickleball court being damaged and where it stands as of now. He said they hoped to have the damaged part paved the week after Thanksgiving and then in the Spring it should be ready for surface painting, poles, and nets.

Jamie Schlesinger, Managing Director PFM Financial Advisors LLC.

Mr. Schlesinger recapped his attendance at the Zoom meeting with the Maidencreek Water Authority and was hired by the Township to serve as the advisor on potential financing related to capital needs. Mr. Schlesinger said the only action to be taken tonight would be to advertise an ordinance similar to the Water Authority. He went over the details of the formal debt issuance for informational purposes, amortized over 20 years and asking for a maximum amount of \$6.6 million annual debt service, leaving enough flexibility for the Township to do certain projects. It will be filed with the Department of Community and Economic Development, which is a normal circumstance, not issuing debt until at least next year. Mr. Schlesinger stated the underlying credit rating of the Township is a Standard and Poor's A+ and plans to issue \$5 million or less with exemptions for issuers like the Township. The borrowing rate is around 4.65% to 4.75%, and the funds borrowed will be invested at the market rates that are around 5% to 5.5% earnings rate. Mr. Schlesinger went over the parameters of the loan including reasonable expectations to spend the money borrowed within 3 years and finalizing legal documentation and if the Board decides to approve this in November we would not be settling on a transaction until after the new year. He explained the ordinance and will send the state guidelines to the Board, recommending

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the Board to consider adopting a Debt Management policy and a Fund Balance policy. Mr. Schlesinger asked the Board to make a motion to advertise the ordinance, Ms. Fiedler stated she did not feel comfortable making a motion to advertise an ordinance she did not see. Mr. Ahrens explained the reason the process is being done this way is to ensure the funds are deposited at the beginning of the new year. Mr. Schlesinger said the ordinances are written with the LGUDA guidelines. Mr. Franke offered a special meeting in November to move forward with the loan for the Township explaining to the public the reason for the loan and addressing the concerns for a tax increase, concluding at the Special Budget meeting on November 15th.

Dave Franke motioned to approve the advertisement of the loan ordinance in the Reading Eagle. Joshua Meck seconded the motion. Heidi Fiedler voted “nay;” the motion passed 2 to 1.

REPORTS

Northern Berks Regional Police Report

Chief Keiser did not have a report because the meeting is upcoming on Monday, November 13th. He said the new officer started last week, and another officer is going to be hired which will help to put more officers on the streets for traffic and other issues.

Planning Commission

Recommendation for Regulations on Solar Land Uses.

Dave Brown discussed the possibility of Solar Farms coming to the Township. He said Windsor Township has a 100-plus acre solar farm proposed and has no guidelines in place. The Planning Commission approved a motion asking the Board of Supervisors to authorize the Commission to work with Mr. Unger to draft guidelines, regulations, and ordinances for the prospect of solar farms in the Township. Mr. Brown said his term on the Commission expires next month but is willing to work with Mr. Unger and the Commission to help in the process of drafting the ordinances. Mr. Frey stated windmill farms should be addressed as well, contacting municipalities in Lancaster County for their ordinances, and said he would help in the process.

Joshua Meck motioned to allow the Planning Commission to move forward with the draft ordinance regulations on agricultural Solar and Windmill Farms. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

Engineer

Mr. Unger stated he gave the Board a copy of the Engineers' Report.

Time Extension for Maiden Creek & Associates Preliminary Plan Application.

Heidi Fiedler motioned to accept the time extension for Maiden Creek & Associates' Preliminary Plan Application until January 19, 2024. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

Time Extension for Crossing at Maidencreek Preliminary Plan Application.

Joshua Meck motioned to accept the time extension for the Crossing at Maiden Creek Preliminary Plan Application upon receiving the written request until January 19, 2024. Joshua

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Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

Mr. Unger said the Small Cell Tower Ordinance recommended by the Planning Commission for your review, the Zoning and Code Enforcement Officers activity report, and the SEO report are in the packet. Mr. Unger stated he did not hear a response on the second submittal from PennDOT on the Engine Retarder study and will get a definitive answer for the December meeting.

Solicitor

Discuss the Remaining Process for the Conditional Use Decision and Discuss a Potential Meeting for Decision.

Mr. Frey said the evidence portion of the Conditional Use Hearing was concluded, on November 28, 2023, the parties will have to submit their Findings of Facts, Conclusions of Law, and written arguments. The Board of Supervisors will render their decision on December 21, 2024, at 6:00 pm at Willow Creek Elementary School.

Manager/Public Works

Announce Work Schedule Changes for the Road Crew.

Mr. Ahrens said the work schedule will change from 10-hour days to 5 days a week, 8 hours a day starting after Thanksgiving.

Discuss Authorization of Employee Holiday Luncheon.

Mr. Ahrens stated he discussed with Patrick Donovan, Water Authority Manager, the Holiday Luncheon, saying they would participate if the Board decided to have the Luncheon. The Board discussed and decided to continue holding the Luncheon this year, saying it is a way to thank everyone who gives their time to the Township.

Discussion of Comprehensive Plan Process & Cost Sharing.

Mr. Ahrens said he had meetings with Fleetwood Borough, Richmond Township, and the Berks County Planning Commission about their interest in doing a comprehensive planning process that is due for renewal. He stated the resolution indicated how much Maidencreek Township is willing to contribute, saying he wrote up to \$25,000.00 based on population and will only take effect once Fleetwood Borough and Richmond Township pass a similar resolution. The Board continued the discussion about zoning across borders, and highway development, mentioning Route 222. Mr. Ahrens said it is included in the Budget Draft.

Consideration of Resolution 31-2023.

Dave Franke motioned to consider Resolution 31-2023 for Maidencreek Township to enter into Comprehensive Plan with Fleetwood Borough, Richmond Township, and the Berks County Planning Commission. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” The motion passed.

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BUSINESS

Appoint Comprehensive Plan Representatives for Maidencreek Township.

- Eric Bauman
- Jim Schoellkopf
- Dawn Geschwindt

The Board discussed the three possible appointments, Ms. Fiedler stated other people who are active in the community might be interested and it is appropriate to post on the website.

The appointment of the representatives is tabled until January 2024.

Discussion of Cornerstone Drive Bridge Replacement.

Mr. Franke stated we have discussed this since the storm in July and are looking to replace the bridge due to deterioration and may cause more flooding issues. He also said for the safety of our residents we will be looking at replacement. Mr. Unger said he has five different costs from three different manufacturers, explaining each of the bridges that estimate the costs between \$300,000.000 to \$500,000.00. Ms. Fielder asked if Mr. Unger had a time frame for when the bridge should be replaced. Mr. Unger said structurally the bridge is not going to fail but if you do not replace it, you will have future issues including flooding and deterioration. Mr. Unger stated it should all be done at once. Mr. Meck stated there are significant changes to our waterways, no one can plan for tragic events, but we are in better shape now than we were before. We have better access to the creek and there will have to be a maintenance program to stay on top of it, cleaning up debris. He thanked the Road Crew and Schlouch Excavating for going above and beyond to get the creek to the point where we are now.

Ms. Fiedler asked Mr. Unger if we had the permit from DEP for West Walnut Tree Bridge. Mr. Unger said DEP has it on their docket for review and sometime in December they have to render their approval and the permit is good for two years. He also said he did not hear anything about the grants.

Ms. Fiedler asked Mr. Ahrens how much time you spent every week working at the Township. Mr. Ahrens answered about 42 hours a week, give, or take if he has time off. Ms. Fiedler stated she thinks it is important we have a full-time manager because of the issues of follow-up on grants, flooding issues, the warehouse, and going to all the meetings. She went on to say that the other two supervisors met and decided otherwise for next year. Ms. Fiedler said the Township Manager position has a lot of responsibilities supervising the other departments and employees and does not think it is fair to the Township Manager. Mr. Meck stated there are no contracts signed or agreements made. The Board continued the discussion about the manager position.

Mr. Franke asked Keith Shuman and Mr. Ahrens if Norfolk Southern had cleared the blocks on the tracks. Mr. Ahrens answered saying he reached out to them to draw attention to a large portion of the undercarriage of one of the risers that eroded from the flood. They were doing work to fix that and required road closure permits. Mr. Franke asked Mr. Shuman to check on the choke point.

Mr. Franke went over the itinerary for the meetings in the next few weeks.

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Consider Changes to the Berks County/Maidencreek Township Comprehensive Emergency Response Plan

Joshua Meck motioned to adopt Resolution 32-2023 Berks County/Maidencreek Township Comprehensive Emergency Response Plan. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." The motion passed.

A motion to adjourn the meeting was made by Joshua Meck and seconded by Dave Franke. The meeting was adjourned at 9:32 p.m.

Mr. Franke announced an executive session for litigation and personnel matters.

Respectfully Submitted,

Christina Hafer
Township Secretary