

Maidencreek Township Board of Supervisors

January 11, 2024

6:00 p.m.

Attending: David Franke, Joshua Meck, Eric Bauman, Diane Hollenbach, Christina Hafer, Eric Frey, Esq. of E. Kenneth Nyce, Jim Keiser, Northern Berks Regional Police Department, and Tom Unger of Systems Design, Inc.

Guests: Keith Shuman (Road Foreman), Dan Miller, Fire Chief at Blandon Fire Company, Jarrett Gibboney, Anthony Spero, Aaron Rogers, Donna Culp, Scott Zimmerman, Donald Griest, Donna Bissinger, David Batz, Logan Gerould, Glenn Sunday, Shannon Sunday, Charles L. Voorhies, Mike Schittler, Dan Brown, Richard Wick, Scott Eaken, Gavin Milligan, Yvonne Scalese, Steven Dymek, Nancy Runyon.

Attending the Zoom: Brooke Meck, Dave Tranquillo, and other guests.

David Franke called the regular meeting to order at 6:00 p.m. with the Pledge to the Flag.

**APPROVAL OF AGENDA AND MINUTES**

Joshua Meck motioned to accept the January 11, 2024, Agenda. Eric Bauman seconded the motion. Hearing no questions on the motion, all members voted, "Aye." The motion passed.

Joshua Meck motioned to accept the December 14, 2023, regular meeting minutes. David Franke seconded the motion and Eric Bauman abstained from voting. Hearing no questions on the motion, all members voted, "Aye." The motion passed.

Joshua Meck motioned to accept the December 21, 2023, regular meeting minutes. David Franke seconded the motion and Eric Bauman abstained from voting. Hearing no questions on the motion, all members voted, "Aye." The motion passed.

January 2, 2024, Reorganization meeting minutes are tabled until February 8, 2024.

**PERSONAL APPEARANCES AND PUBLIC COMMENT**

Richard Demming, 112 South View Road.

Mr. Demming asked about constructing a paver patio and retaining wall if there are regulations for water displacement being part of the ordinance and how long a permit is good for once approved. Mr. Unger said that depends on the size of the property and patio if using pervious pavers and once the permit is approved having 6 months to start the project and 2 years to complete it. Mr. Demming then asked if he would need a permit for a generator, Mr. Unger replied that he would need a permit.

Steve Dymek, 196 Longleaf Drive.

Mr. Dymek asked about whether the Brake Retarder Ordinance was complete and if the NBRPD will be honoring it and the Sunday/Davidson Annexation disagrees with waiving the section in the ordinance for no curbs or sidewalks.

Yvonne Scalese, 213 Spirit Court.

Yvonne said the restoration at the Cornerstone Bridge worked, saying she was watching it closely stating it did not overflow, and thanked the Township for the work they did to prevent flooding.

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Logan Gerould, 101 Lidia Lane.

Mr. Gerould stated the work that was done at Melrose Place did not work. He questioned if the Board of Supervisors recognized that more work is needed to address the flood concerns, and what is being done. Mr. Unger said the Township recognizes that more work is needed, and they are doing investigations and having discussions about this issue. He said they are looking at collaborating with the developer about maintenance and cleanup and also looking at upstream conditions to see what can be done. He stated there are no specific answers available as of now and suggested meetings with Mr. Gerould.

Heidi Fiedler, 432 East Wesner Road.

Ms. Fiedler stated the section along East Wesner Road is worse than before, including flooding problems along Schaeffer Road as well also stating problems at West Walnut Tree Bridge. Mr. Unger said he would look into it, but presently does not have the answers. She also commented that the December 15, 2023, meeting minutes were not done, and the time for the Board of Supervisors meeting was changed, not reflected on the calendar.

Charles Voorhies, 284 West Walnut Tree Drive.

Mr. Voorhies commented on the integrity of the community by allegedly having a goodbye party for an outgoing supervisor. The Board of Supervisors stated they had nothing to do with any such accusations.

## **REPORTS**

### **Northern Berks Regional Police Report**

Chief Keiser shared the December 2023 activity report, including calls for service, citations, traffic warnings, vehicle stops, arrests, car maintenance, fuel, miles, hours of service, and crashes. He also went over the report for the 2023 year and compared it to 2022. Chief Keiser addressed the question posed by Steve Dymek on Brake Retarders, stating there are no signs up yet. Mr. Unger said the Brake Retarder Ordinance has not been adopted yet and went over the process before can be brought to the Board of Supervisors for approval.

David Franke thanked the Police Department, Fire Department, and EMS on behalf of the Board of Supervisors for the hard work they have done throughout the past year and Maidencreek Township stands behind all of our First Responders.

### **Engineer Report**

Consideration of a motion to not require six trees and one additional parking lot light for the Schwab Dental Addition.

Tom Unger said the return of the funds to Schwab Dental was done at a previous meeting, there were questions about the required tree and additional lighting, and eliminating six trees due to the grating was not conducive to planting those trees. The existing lighting has been changed with different shields and now provides adequate lighting for the parking lot.

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A motion was made by Eric Bauman to approve not requiring the additional six trees and lighting to the Schwab Dental Addition. Joshua Meck seconded the motion and hearing no questions on the motion, the motion passed unanimously.

Acceptance of the Crossing at Maidencreek offer of time extension to the plan review period until March 15, 2024.

Mr. Unger stated the Planning Commission recommended the Board of Supervisors accept the time extension for the Crossing at Maidencreek until March 15, 2024.

A motion was made by Joshua Meck to accept the time extension for Crossing at Maidencreek until March 15, 2024. Eric Bauman seconded the motion and hearing no questions on the motion, the motion passed unanimously.

Consideration of approval of a waiver to section 190-15 of the Subdivision and Land Development Ordinance for the Deerfoot Farm Addition, waiving the need for land development for a 2400-square-foot building used for the winery.

Dan Brown explained the reason for an addition to a building on the side of the barn for the winery and stated they would follow proper procedures in the Township and had a letter of recommendation from the Planning Commission. Mr. Brown spoke on the existing building pads that were used for dairy cows and repurposing that area to build a two-story building for a tasting room, stating the impermeable surface is close to what it was previously. He also spoke about the parking area where they previously parked farm equipment and stated they are restricted not to taking land from agricultural areas. The Board continued the discussion with questions about parking buses, zoning regulations, stormwater plans, occupancy of the building, and acres of land.

A motion was made by Joshua Meck to approve the waiver to section 190-15 of the Subdivision and Land Development Ordinance for the Deerfoot Farm addition and compliance with zoning and stormwater permits. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Consideration of the following for the Sunday/Davidson Annexation Subdivision Plan.

Glenn and Shannon Sunday presented the plans for the annexation of 2 acres of land on Troxel Road with no plans to build. The Planning Commission made a recommendation to the Board to waive the section about curbs sidewalks and monuments.

- Waiver to Section 190.34 and 186.14P of the Subdivision and Land Development Ordinance requiring curbs and sidewalks.

A motion was made by Joshua Meck to approve the waiver to Sections 190.34 and 186.14P of the Subdivision and Land Development Ordinance requiring curbs and sidewalks. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

- Wavier to Section 190-17(2), 17(8), and 36 of the Subdivision and Land Development Ordinance requiring monuments.

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A motion was made by Joshua Meck to approve the waiver to Sections 190-17(2), 17(8), and 36 of the Subdivision and Land Development Ordinance requiring monuments. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

- Approval of the Preliminary/Final Sunday/Davidson Annexation and Subdivision Plan conditioned upon the December 15, 2023, Systems Design Engineering, Inc. review letter which is incorporated by reference.

A motion was made by Joshua Meck to approve the Preliminary/Final Sunday-Davidson Annexation and Subdivision Plan Conditioned upon the December 15, 2023, Systems Design Engineering, Inc. review letter. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Consideration of approval of the Maiden Creek Associates Warehouse Preliminary Plan conditioned upon the December 1, 2023, Systems Design Engineering, Inc. review letter which is incorporated by reference. If no action is taken, a motion must be made to reject the plan unless an offer of a time extension to the review period is received by January 19, 2024.

Greg Adelman spoke on behalf of the applicant, Maiden Creek Associates Warehouse Preliminary Plan, stating while the Conditional Use Hearing was being conducted the Preliminary Plan was being reviewed by Systems Design Engineering to resolve any issues. There were some minor changes to the Plan including gates, snow scraper, weigh station, and the location of the water tower. The review comments were addressed with stormwater and outside agencies' permits seeking approvals including the NPDES stormwater permit from DEP and the highway occupancy permit from PennDOT. Mr. Unger said the Planning Commission recommended that the sidewalk trail on the front of the property be concrete per the Township's regulations rather than macadam. The Township approached PennDOT to put curbing along the front edge of Route 222 and addressed stormwater with potential offsite degradation of swales for stormwater paths. Mr. Adelman said they will consider the concrete walking trails. He addressed the curbing on Route 222 stating they did more research and it is not designed for curbing and believe that PennDOT would not want curbing due to the major development and construction impacts. They also have an easement agreement with PennDOT and it does not account for any of the changes with curbing. The Board continued the discussion about the pond and looked at the plans with Maiden Creek Associates. They are not required by DEP due to offsite discharge analysis and do not believe there is a requirement from the Township or DEP. They are not concentrating on any stormwater flows with it being defused with level spreaders and not pointed with water quality measures built into the basins. Mr. Frey stated they addressed the SDE letter and the Planning Commission's concerns and went over them. The Board continued to discuss the concerns with Maiden Creek Associates including stormwater, NPDES permit, and inspections and costs. Charles Voorhies asked Mr. Frey about the appeal process and Mr. Frey explained the process. Heidi Fiedler commented on the 33 conditions and the Township should have a higher amount for inspections. Donald Griest commented on groundwater filtration, the stormwater ordinance, and MRC basins and how this was examined. Mr. Unger said they are complying with stormwater regulations and the NPDES permit will cover the remaining portion. Mr. Franke stated we cannot go back because a decision has been made and Mr. Meck also said the conversation is being reopened. Mr. Griest stated the verdict was made

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on incomplete information. The Board went back and forth with Mr. Griest about the issues with stormwater ordinances. The Board concluded they are following the stormwater regulations.

*David Franke announced an executive session to discuss the motion on Maiden Creek Associates Preliminary Plan at 7:32 pm. To 7:45 pm.*

A motion was made by Joshua Meck to accept the Maiden Creek Associates Preliminary Plan with conditions based on Preliminary Approval. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Mr. Unger said we are up to date on the Brake Retarder Ordinance, the code enforcement SEO report is attached, and the NPDES permit has been advertised, and has until January 23<sup>rd</sup> to submit comments.

Diane Hollenbach said that 128 Kensington Blvd paved over the rolled curb and it needs to be removed.

### **Solicitor**

*Mr. Frey announced an executive session to discuss potential litigation after the close of the meeting tonight.*

Diane Hollenbach asked about Tree Tops asking the Township about taking over the detention basin and understands that is not something the Township wants to do. Mr. Fielding has resigned as the trustee and now there is no homeowner's association which means there is no one to maintain the detention basin. Mr. Frey said he owes them a letter and that someone else is taking over the detention basin.

### **Public Works**

Joshua Meck said that he and Keith Shuman went out after the storms and checked the stream and said it faired pretty well and they have to go back and fix a few areas and a few things he would like to discuss with Tom Unger. They also spoke about the flooding near Massimos and the Pharmacy. Mr. Unger said a violation letter went out to have maintenance done to the detention basin. Diane Hollenbach said Dave Maloney's office did contact the conservation district and said she explained the issues and suggested getting Mr. Maloney to help with PennDOT and Norfolk Southern. Mr. Meck said we need to maintain the creek so it does not happen again.

Diane asked what should be done about the residents who have not moved the basketball nets when there is a snow event. The Board concluded that take them from the street and bring them here to the Township building.

Mr. Meck said they have a meeting next week with UGI about fixing the holes made in previous work that was done by them.

### **OLD BUSINESS**

Motion to appoint Gavin Milligan to the Joint Planning Commission.

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A motion was made by Joshua Meck to appoint Gavin Milligan to the Joint Planning Commission. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

**NEW BUSINESS**

Acceptance of the Planning Commission Annual Report.

A motion was made by Joshua Meck to accept the Planning Commission Annual Report. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Consideration of a request to send a letter to PennDOT regarding the installation of a School Bus Stop Ahead sign on Pleasant Hill Road.

Joshua Meck said he would like to see flashing red lights and bigger signs for the Stop Ahead signs. They should ask for one to be near CVS and at the intersection near the daycare. He thinks that there should be signs for parking with fines. The Board agreed to send a letter to PennDOT for the School Bus Stop Ahead signs.

Consideration of a zoning ordinance amendment proposed by Jarrett Giboney on the dock door height ratio to facility square footage.

Jarrett Giboney explained an ordinance from a town in California with the height ratio and gave it to the Board. Mr. Frey said this should be directed to the Planning Commission first.

Approval of a joint paving project with Ontelaunee Township for 460 feet of Bewley Lane.

A motion was made by Joshua Meck to approve the joint paving project with Ontelaunee Township for 460 feet of Bewley Land. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

**FINANCIAL MATTERS**

Appoint pension actuary.

Diane Hollenbach said they sent out an RFP in compliance with Act 44 and explained the actuary with the two proposals.

A motion was made by Joshua Meck to appoint Conrad Sigel as Maidencreek Township Actuary for the cost of \$3500.00 for this year. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Motion to close accounts at MidPenn Bank and Transfer funds to Fleetwood Bank.

A motion was made by Joshua Meck to close accounts at MidPenn Bank and transfer funds to Fleetwood Bank. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

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Motion to close six accounts opened at Tompkins Bank on November 22, 2023, with 0 balances.

A motion was made by Joshua Meck to close six accounts opened at Tompkins Bank on November 22, 2023, with 0 balances. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Motion to close Park and Recreation Checking at Tompkins Bank and deposit funds in Fleetwood Bank.

A motion was made by Joshua Meck to close Park and Recreation Checking at Tompkins Bank and deposit funds in Fleetwood Bank. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Motion to close Operating Reserve Fund at Tompkins Bank and deposit funds in Fleetwood Bank.

A motion was made to close the Operating Reserve Fund at Tompkins Bank and deposit funds in Fleetwood Bank. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Motion to approve the bills and accept the Treasurer's Report as presented.

A motion was made by Joshua Meck to approve the bills and accept the Treasurer's Report as presented. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

**Adjournment**

A motion to adjourn the meeting was made by Joshua Meck and seconded by Eric Bauman. The meeting was adjourned at 8:23 p.m.

Respectfully Submitted,

Christina Hafer  
Township Secretary