

Maidencreek Township Board of Supervisors
February 8, 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, Anthony Spero, Donna Culp, Charles Voorhies, Yvonne Scalese, Mile Schittler, Massimo Caloero, Russ Curtier, Richard Wick, Heidi Fiedler, and Aaron Rogers

Attending the Zoom: Brooke Meck, Robert Wood, Pat Demming, Kimberly Pryor (Kitts Café), 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 approve the February 8, 2024, Agenda. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously

Joshua Meck motioned to approve the January 2, 2024, Reorganization Meeting Minutes. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Joshua Meck motioned to approve the January 11, 2024, Regular Meeting Minutes. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

PERSONAL APPEARANCES AND PUBLIC COMMENT

Yvonne Scalece, 213 Spirit Court.

Yvonne asked if the bridge would be replaced and if there was a timeline. The Board responded they do not have anything to report on the bridge or a timeline.

Heidi Fiedler, 432 East Wesner Road.

Heidi Fiedler asked about the status of the November 15, 2023, meeting minutes that were not prepared. Mr. Franke said it would be difficult to put them together due to the person left who had attended the meeting not completing them and will take time to do and there is no timeline. Mr. Frey stated they would be complete by the next meeting.

REPORTS

Northern Berks Regional Police Report

Chief Keiser said he does not have the activity report for January and the Northern Berks Police Commission meeting will be held Monday, February 12, 2024. He spoke about the changes to the department by adding a third vehicle, the F150, saying it needs to be decaled, and the radio and the in-car camera system need to be installed. He also stated three vehicles will be grounded and the other new vehicles need to be up-fitted.

Chief Keiser said they have been receiving calls about drivers going around school buses when they are stopped. He asked if anyone sees this happening to please report it to NBRPD. He also

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said he received a call from a State Tropper who pulled over a car on 222 just after Tamarack Blvd. that went around a school bus and was cited.

Engineering & Zoning Reports – Tom Unger, P.E.

Mr. Unger said the Board received a copy of the Engineers Report.

Subdivision Status Checklist

Mr. Unger stated all the Plans are current at this time.

Review/Board Comment on Zoning Hearing Applications

The Zoning Hearing for Kitt’s Café & Gandalf’s Garden and 1060 Park Road is scheduled for February 29, 2024.

- **Kitt’s Café and Gandalf’s Garden Variance**

Mr. Unger said the Board has a copy of the application for the variance and explained to the Board that they are proposing to occupy the two spaces #13 & #14 at 8520 Allentown Pike. He stated the uses are for a café and cats that will be there at the building. The original zoning was for office space, the requirement for parking is in question. The Board discussed other businesses located near the proposed building and how many parking spaces will be available.

- **1060 Park Road Special Exception**

Mr. Unger said Moyer’s Services Group is applying for a Special Exception of the zoning ordinance and is a general contracting service. The concerns for this lot would be outside storage and a fence. Mr. Unger suggested the Board send a letter to the Zoning Hearing Board addressing storage behind the building with a fence.

A motion was made by David Franke the Special Exception for 1060 Park Road includes notification to provide an enclosure and make it amenable to the area for site visibility with nothing in the front yard/building, with secure fencing. Joshua Meck seconded the motion and hearing no questions on the motion, it passed unanimously.

Action on the Crossing at Maidencreek Preliminary Plan.

Larry Grybosky, C2C Design Group on behalf of the applicant said that there is nothing in the review letter from SDE dated February 1, 2024, they cannot comply with at this time. Mr. Unger stated they still had a zoning issue when parcel B was changed and asked how this would be addressed. Mr. Grybosky showed the Board the map where parcel B is located and stated it did not meet the minimum lot size and said they would make it part of Lot 25. Mr. Unger said the Planning Commission reviewed the plan, recommending Preliminary Plan approval contingent on the SDE February 1, 2024, review letter and that parcel B would not be a stand-alone parcel. Mr. Meck had concerns about the runoff going into the pond and does it meets the ordinances. Diane Hollenbach asked about the progress with the Maidencreek Water Authority. Mr. Grybosky stated they are making progress, have easements in place, and are collaborating with

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the Authority on the specifics. The Board discussed further issues with parcel B and if the HOA will maintain it.

A motion was made by Joshua Meck to approve the Crossing at Maidencreek Preliminary Plan contingent on the Systems Design Engineering's review letter dated February 1, 2024, and parcel B is included in the HOA as common land use. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Adopt Resolution #12-2024 Appointing Sewage Enforcement Officers for 2024.

Tom Unger stated Systems Design Engineering hired Shannon Petrillo to add her to the list of Sewage Enforcement Officers.

A motion was made by David Franke to adopt Resolution #12-2024 adding Shannon Petrillo, #04150 as the appointed Sewage Enforcement Officer Alternate at Maidencreek Township for 2024. Joshua Meck seconded the motion and hearing no questions on the motion, it passed unanimously.

Solicitor – Eric Frey, Esq.

Consideration of adoption of the Brake Retarder Ordinance.

Mr. Frey stated the Brake Retarder Ordinance has been advertised for public comment. He explained that it prohibits the use of Brake Retarders on Route 222 (Northbound and Southbound) from the intersections of Snyder Road north to Evansville Road.

Mr. Franke asked the public if they had any comments.

Mr. Voorhies asked to put up a sign displaying the dollar amount of the fine. The Board and Mr. Frey expressed that the fine varies, what signage is available, what PennDOT will allow the Township to do and the amount of the fines would be paid to the Township.

A motion was made by Joshua Meck to adopt the Brake Retarder Ordinance #259 for 2024 for Maidencreek Township. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Discussion and directions on Verizon Cell Tower to be built at the municipal building.

The Board agreed that Verizon could start the process for the Cell Tower to be built at the municipal building.

Update on Property Maintenance at 320 Main Street.

Mr. Frey explained the criminal action and civil matter moving forward at 320 Main Street.

Update on appeals to Conditional Use Decision.

Mr. Frey stated there are two appeals filed by the applicant and the neighbor protestants. They are compiling the record to submit to the court and Maidencreek Township's position is supporting our decision. He also stated he emailed Ms. Donohoe about exhibits still needed.

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Ms. Fielder asked what did the applicant appeal. Mr. Frey answered that they were not happy with some of the conditions, including the payment of money, and use of warehouse definition. She then asked about the fines for 320 Main Street. Mr. Frey explained the fines, citations, and the process to date.

Mr. Frey announced a brief executive session after the meeting with no action being taken.

Public Works – Keith Shuman

Authorize repair to leaf vac clutch by Golden Equipment at a cost of \$4,923.31.

Keith Shuman explained the need for the repair of the leaf vac and presented the Board with a quote from Golden Equipment.

A motion was made by Joshua Meck to authorize the repair of the Leaf Vac clutch for \$4,923.31. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Authorize repair to loader hydraulic lines and cylinder by Powerco at a cost of \$4,135.07.

Mr. Shuman stated he had a representative from Powerco take a look at the loader and they suggested it be taken to their shop for repairs.

A motion was made by Eric Bauman to authorize the repair of the Loader Hydraulic Lines and Cylinder for \$4,135.07. Joshua Meck seconded the motion and hearing no questions on the motion, it passed unanimously.

Authorize repair to replacement of the 1995 plow through EM Kutz at a cost of \$4,000.00.

Mr. Shuman spoke about the plow that is almost 30 years old on truck #2 with several issues. He contacted EM Kutz and they have a reconditioned plow for replacement of the 1995 plow.

A motion was made by Joshua Meck to replace the 1995 plow from EM Kutz for \$4,000.00. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Park and Recreation Report

Diane Hollenbach said she attended the Park and Recreation Board meeting where they discussed their plans for 2024. This includes finishing the Pickleball Court, and a resident presented an idea about tennis clinics utilizing the tennis courts. They are replacing a ballfield light at the Bandon Fire Company and discussed installing trees, tables, and activity equipment at the Dog Park. A pastor from a local church wants to do a blessing for the dogs at the Dog Park. An all-inclusive playground for the Ontelaunee Heights Recreation Area will be their main focus and said she will start looking for the grant application for DCNR that will be due in April. The Girl's Softball will be putting a shed at the Bandon Fire Company.

Does the Board want a resolution prepared to increase the fee in lieu of open space contribution?

Mr. Unger stated there are requirements the Township has to follow and SDE would provide the Township with calculations to substantiate the number.

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Mr. Meck said there are galvanized poles that were left from PennDOT and could be utilized to make shade with sun sails attached for the Dog Park or any park.

Manager – Diane Hollenbach

Ms. Hollenbach said she sent various reports to the State and sent letters to the residents with basketball standards in the street, with some that have not complied. Oaths of office were done for new appointees and letters for all re-appointees. She said the Sunday/Davidson Plan, the Deerfoot Winey are complete, and Gavin Milligan was signed up for Master Planner classes. She also went over the Stormwater tasks, updated wages on the Disability Provider website that have not been done for over a year, and bank accounts have been reconciled and are now filed correctly for the audit except still working on the deposit trail and the audit begins Monday. She continued about the remainder of the financial tasks, including Escrow Statements sent to the Maiden Creek Associates, Trinity Bible Fellowship, Redner's, and Berkshire Builders with some significant payments owed to the Township. The 1099 NEC's, the new pension actuary, the new recycling fee, and met with PFM regarding progress on the bond process.

She met with Comcast and they are interested in coming back, and UGI will repair the cuts sometime in the spring. Also, locked in the salt totals for 2024-2025, and fuel and heating oil were placed on automatic delivery. She then went over the tasks for the rest of the month including Keith Shuman going for Dirt and Gravel Road Certifications, Escrow Statements, newsletter, Recreation Grant, MS4 tasks to be completed, AG385 Pension Report, and the recycling report, submit the recycling drop off site grant report and request funds. February 29th is the scheduled Zoning Hearing for Kitt's Café and Gandalf's Garden & 1060 Park Road.

Mr. Meck asked the road crew to put signs up at the Yard Waste Site for the entrance and exit, including one-way signs.

OLD BUSINESS

Adopt Resolution #13-2024 authorizing participation in the Fleetwood-Maidencreek-Richmond Joint Comprehensive Plan update and allocating \$12,918.14 toward the cost of the project.

Diane Hollenbach stated the previous allocation was to pay half, she changed it to pay one-third of the allocation.

A motion was made by Joshua Meck to adopt Resolution #13-2024 authorizing participation in the Fleetwood-Maidencreek-Richmond Joint Comprehensive Plan allocating \$12,918.14 toward the cost of the project. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Diane said the County is interested in Joint Zoning and can discuss it at another meeting. She questioned what the other municipalities have to offer and if the Board wants to pursue, please let her know.

NEW BUSINESS

Authorize the Chairman to sign the application to participate in the Federal Surplus Program.

A motion was made by Joshua Meck to authorize the Chairman to sign the application to participate in the Federal Surplus Program. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Discussion of future projects.

Diane explained to the Board how they could spend the Bond money. The Bond is progressing and they want to do a rating call having access to the money in April. She went through a list including the Cornerstone Bridge, West Walnut Tree Drive Bridge, the Box Culvert in the park replacing with a walking bridge, repair of Chestnut Street, purchasing the two commercial lots at the top of Melrose Place to install a detention basin, replacing truck #5, purchasing a bucket truck with Fleetwood Borough (each paying half) and replacing truck #6.

Diane said there was a discussion about a vehicle the Foreman could take home when he responds to emergencies from his house. The Safety Committee has ruled that you cannot take a personal vehicle out on Township business, meaning the Foreman would have to come to the municipal building to get a vehicle and it could cause delays. She said we need a snow blower attachment meant for the lawn tractor in case the roads drift shut. The list continued with a skid loader, a larger Mini X, a roller (split cost with Ontelaunee Township), and a wider drive box for paving a full lane.

Diane stated road work would mostly be from Liquid Fuels, with patching and paving. She also stated we will hold off on all significant road work until we see what Comcast and UGI are going to do. Discussion about enlarging the recycling site, larger salt shed, additional garage building, posting signs at Schaefer Road Bridge to warn about flood water, generator for Park Road in case electricity goes out, and upgrading street index signs. She also had on the list to replace streetlights with wood poles converting to LED to save money, expansion of office space, alarm systems, inside cameras, audio systems for the meeting room, new technology instead of Zoom, electronic board books, veterans memorial, and expand Pickleball Courts. She added about installing something for shade at the parks and, a secondary entrance for Ontelaunee Heights with a letter to residents asking for opinions.

Eric Bauman spoke about replacing all the Ballfield lights at one time instead of one at a time could be less expensive. The Board continued the discussion about getting them all fixed at one time. He also talked about parking at Blandon Ball Field and making space behind the outfield.

Josh Meck spoke about the Township's discussion on taking over the detention basin at Melrose Place and the problems that have caused flooding. The Board discussed where the flooding occurred and the damage it caused.

Mike Schittler asked about Limestone at the park entrance flooding, Mr. Meck said that should be added to the list.

Ms. Fiedler commented on the streetlight at Route 73 and Guldin Road being out, and stormwater issues between Hoch Road and Schaeffer Road having a lot more flooding and it

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should be addressed. Mr. Meck stated it is not as problematic as other areas and in certain areas, we need permits to do any work in the area. She also asked for a cost list for projects and to have it posted on the website.

The Board discussed Comcast and how they will be cutting the wires and capping them for the work that was previously started.

Charles Voorhies asked if the projects with the cost would be posted. The Board said yes and everything would have to be bid on and approved before it was posted anywhere.

FINANCIAL MATTERS

Treasurer's Report and Bill List.

Diane went over the bill list fund balance at the end of January was \$1,400,281.22, and \$406,644.22 without the TRAN. The Board asked if it is not needed can we give back the TRAN if not used? Diane stated she would look into it and also said the tax bills go out on March 1, 2024.

A motion was made by Joshua Meck to accept the Treasurer's Report and Bill List for January 2024. Eric Bauman seconded the motion and hearing no questions on the motion, it passed unanimously.

Adopt Resolution #14-2024 Fund Balance Policy.

Diane explained the Fund Balance Policy with PFM, and the Board decided to table this for now.

TABLED

Adopt Resolution #15-2024 Debt Management Policy.

TABLED

Dave Franke announced an executive session after the adjournment tonight.

The Board recognized the Blandon Fire Company for the great job they do for the Township and for being available for all the calls they receive.

Joshua Meck also stated they are looking into having activities at Community Park sometime in the future.

ADJOURNMENT

A motion to adjourn the meeting was made by Joshua Meck and seconded by Eric Bauman. The meeting was adjourned at 7:36 p.m.

Respectfully Submitted,

Christina Hafer
Township Secretary