

Maidencreek Township Board of Supervisors

September 14, 2023

7:00 p.m.

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

Guests: Eric Bauman, Jarrett Gibboney, Donna Culp, Anthony Spero, Lori Hershberger, Ann Santiago, Richard Wick, Donna Bissinger, Mike Schittler, Kris Schittler, Yvonne Scalese Larry Grybosky, C2C Design Group, and other guests.

Attending the Zoom: Brooke Meck, Robert Wood, Patrica Demming, James Cechini, Eric Luckenbill, and other guests.

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

*Executive Session on August 24, 2023, for discussion on litigation and personnel matters.*

*Executive Session on September 14, 2023, for discussion on potential litigation and personnel matters.*

Heidi Fiedler made a motion to accept the September 14, 2023, Agenda. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

#### **MINUTES AND TREASURER'S REPORT**

Joshua Meck motioned to accept August 10, 2023, with corrections. Heidi Fielder seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Heidi Fiedler motioned to approve the August 2023 Treasurer's Report and the Check Request List for August 2023 bills. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

#### **PUBLIC COMMENT**

Chris Edline, Assistant Scout Master for Troop 183 at Maidencreek Church, Mr. Edline introduced Boy Scouts Alexander Edline and Jacob Gibbson and shared they are working on their Citizenship in the Community Merit Badge. A requirement of that badge included attending a Board of Supervisors meeting to see how local government works.

Eric Bauman, 208 Wales Way, Mr. Bauman said the Pickleball Court work has been set back due to the flooding, and the baseball field has been cleaned up. He stated that on October 27, 2023, they would participate in the Fire Company's Safe Halloween night.

Yvonne Scalese, 213 Spirit Ct., Mrs. Scalese asked if there had been a decision made on the removal of Cornerstone Bridge. The Board addressed her questions stating no decision was made. They also stated the road closure is due to materials being stored there. Mr. Unger stated they are still gathering information on demolition and several concepts of bridges to replace the Cornerstone Bridge.

Richard Wick, 209 East Wesner Rd., Mr. Wick stated the manhole in the newly paved portion of the bend on East Wesner Road needed to be raised. He said there was an accident there a month ago trying to avoid the manhole. Mr. Unger stated that they were aware of this issue and that it would be addressed. Mr. Wick also asked about the stripes or lines on the road that have not been

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done. Mr. Ahrens stated the lines would be done, the delay was due to the road crew having been busy. Mr. Wick said the buses are going faster this year and the speed limit is 25 miles per hour.

Ann Santiago, 217 Spirit Ct., Mrs. Santiago asked if the Township was going to excavate the swale next to her house in connection with the stream work projects. Mr. Unger said they would be doing work on the swale.

## **REPORTS**

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

Chief Keiser stated the August activity report was released Monday at the Northern Berks Regional Police Commission meeting. Chief Keiser went over the numbers of calls for service, citations, traffic warnings, vehicle contacts, arrests, and crashes. Chief Keiser also addressed the vehicle maintenance, fuel, miles, and hours for service. He stated it was a busy month and the National Night Out was a success.

Supervisor Meck stated there was a citizen at the Police Commission Meeting who spoke about the graffiti and condition on the West Shore Drive bridge. Mr. Meck stated we should prepare a letter to PennDOT who owns the bridge to have them investigate and address the issues before something happens and it should be fenced off. Chief Keiser said there have been several complaints and arrests at the bridge.

### **Engineer Report**

Mr. Unger provided a copy of the Engineer Report to the Board

#### Update on Stream Restoration Work.

Mr. Unger stated they received the emergency permits from the State for the restoration work and the work had been started. The Township solicited three proposals for contractors and Schlouch Excavating had been awarded the bid. Schlouch has begun the work at the park and should be done by the end of the week. They also started work at the Blandon Meadows Parkway entered on Spirit Court and will work their way down towards the Cornerstone Bridge. Mr. Unger said there was a complaint registered with the Fish and Boat Commission; they did an investigation, and no violations were found. Supervisor Meck followed up with a statement that Schlouch Excavating and Systems Design Engineering are doing a very good job with the restoration work.

#### Time Extension for Land Development Plans.

Mr. Unger said Maiden Creek Associate's plan review process expires on September 18, 2023, and is asking for an extension to November 20, 2023.

Ms. Fiedler motioned to accept the Maiden Creek Associates LDP Time Extension until November 20, 2023. Mr. Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Mr. Unger said the Crossings at Maidencreek plan review process expires on September 18, 2023, and is asking for an extension to November 20, 2023.

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Ms. Fiedler motioned to accept the Crossings at Maidencreek LDP Time Extension until November 20, 2023. Mr. Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Crossings at Maidencreek Land Development Plan

Request for Conditional Approval.

The Planning Commission made a recommendation to the Board for conditional approval of the preliminary plan. It was shared that MTA has a major request for them to put the gravity systems in place of the grinder system.

Discussion of Fee in Lieu of Open Space or Land Dedication

The Board shared that the Park and Recreation Board would like the Fee in Lieu of Land Dedication and the Planning Commission would like another park on the land. The decision has to be made by the Board of Supervisors. The Board discussed that the Fee in Lieu could be used to upgrade the other parks or to enhance the Tot Lot at Tree Tops parks. Mr. Unger stated that Crossings at Maidencreek has proposed having a stormwater pond with the homeowner to be responsible for the maintenance. Mr. Grybosky, C2C Design Group, presented to the Board the preliminary plans for the Crossings at Maidencreek. The Board expressed concern for the homeowner being responsible for the basin and recommended there be an HOA to maintain the basin.

Mr. Unger added that there are important points that need to be addressed by C2C Design Group and recommended that the Board not take action until those items are satisfied.

Payment Request and Corresponding Change Orders for the 2023 Paving Project.

Mr. Unger stated that H&K finished the project, was a contract came in under budget for \$22,594.02 under budget change order #1.

Heidi Fiedler motioned to approve the Township Manager to sign Change Order #1 to decrease the contract amount by \$22,594.02. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Heidi Fiedler motioned the final payment of the invoice for the amount of \$603,857.48 for application #1 to H&K. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Heidi Fiedler motioned to pay \$400,000.00 from Liquid Fuels and the balance from the General Fund for payment to H&K. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Heidi Fiedler motioned to approve the Township Manager to ratify the signed extension change order for Martin Paving. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Mr. Unger stated there were letters sent to developers, Village at Maidencreek for maintenance of the pond basin. Melrose Place is pursuing modifications, and maintenance of the pond basins and inlets to be addressed.

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The Board asked about the bridge at Route 73, Mr. Ahrens said September 18<sup>th</sup> PennDOT will start clearing away brush and on the 21<sup>st</sup> they will be taking material from underneath the bridge.

Mr. Unger stated they got the review on the Break Retarder study, modified and resubmitted and the Low Head Dam permit has been issued by DEP.

**Solicitor**

Consideration of Stormwater Ordinance

Eric Frey stated in Mr. Unger's August report that the Planning Commission completed the Stormwater Ordinance which was advertised last week.

Joshua Meck motioned to adopt the Stormwater Ordinance #256. Heidi Fiedler seconded the motion. Hearing no questions from the public or the Board on the motion, all members voted, "Aye." Motion passed.

Mr. Frey announced the next Conditional Use Hearing for the Maiden Creek Associates warehouse will be on September 20, 2023, at 6:30 p.m. There will be two Conditional Use Hearings in October and will be announced on September 20<sup>th</sup> at the hearing.

**Manager/Public Works**

Discussion of Tax Revenue Anticipation Note (TRAN) Option for Municipal Finances.

Mr. Ahrens stated this is a common method that municipalities use to help cash flow position at the beginning of the year before taxes come in, it is a line of credit against the tax base. Mr. Ahrens suggested that PFM include recommendation options with other banks tax-free. The Board would like some information and will discuss it at the budget meeting.

Engagement with Public Financial Management (PFM) as a Financial Consultant for Maidencreek Township.

A motion was made by Heidi Fiedler to approve the Township Manager to engage with PFM via signature as a financial consultant at no cost to Maidencreek Township. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Discussion and Possible Action on Grove & Guldin Roads Stream Restoration Work.

Mr. Ahrens had a map that SDE provided, showing the work to reestablish the stream beds and the end wall that was moved 8 feet away from the storm on July 9<sup>th</sup>. Schlouch offered a proposal to do the work with a longer-term stream restoration and end wall back. Mr. Ahrens has financial concerns due to the cost of approximately \$75,040.00. The Board discussed the West Walnut Tree Bridge which would need a separate permit, Mr. Unger said in October the permit will be issued and is still waiting on grants. Mr. Ahrens said he received the first email from FEMA notifying the Township of transitioning the initial point of contact from FEMA to PEMA, part of an administrative process, FEMA funds are low, and would not see any funds until the beginning of the new year.

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Patrica Demming, on Zoom, added she called the congressman and representatives about FEMA even if we do not get money, the only way we could get a tax break is if it is a federally designated disaster. Mr. Ahrens stated we could send letters to Congress.

Mr. Meck asked about the ARPA Funds, and Mr. Ahrens said that it would pay for the generator for the Fire Company and a piece of equipment for the Ambulance Company. Mr. Ahrens explained ARPA Funds and Liquid Fuels Funds disbursement to the Board, stating he would go over it more in-depth at the budget meeting. The Board continued the discussion about road work, stream work, and how it is affecting the budget. Mr. Ahrens will inform Schlouch Excavating that there is a timeline of October 14, 2023, or the work will not move forward unless the Township gets an extension on the permit. The Board asked for a quote from Schlouch Excavating to include the End Wall.

Eric Luckenbill, on Zoom, asked about the expenses spent on the Conditional Use Hearings. Mr. Frey explained the process and expenditures of the Conditional Use Hearings and stated the Township is not fighting Maiden Creek Associates, just hearing their case.

Set Date for Strategic Planning Meeting and Joint Meeting with Maidencreek Township Authority.

The Board and Mr. Ahrens discussed the dates for the meetings, explaining what the process is for the loan for Maidencreek Township Authority.

A Special Meeting was set for September 20, 2023, at 6:00 p.m. to discuss creek projects for the Headwall placement in the Guldin Road Stream area.

The Maidencreek Township Authority Meeting is set for September 27, 2023, at 6:00 p.m.

Upgrades for Parks and Facilities.

Cory Deily explained the Wi-Fi remote connection at the park and the Township Building, stating the Community Park is more important and said T-Mobile wireless is a better choice for the park and reasonably priced. Mr. Ahrens said he would check with First Net for the Wi-Fi remote for a comparable price.

**BUSINESS**

Appointment of PSATS Trustees.

Vote for Jack Hines and Marvin Meteer to be Appointed to the PSATS Unemployment Compensation Group Trust.

Heidi Fiedler motioned to vote for Jack Hines and Marvin Meteer to be appointed to the PSATS Unemployment Compensation Group Trust. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Vote for Jack Hines and Marvin Meteer to be Appointed to the PSATS Municipal Pension Trust.

Heidi Fiedler motioned to vote for Jack Hines and Marvin Meteer to be appointed to the PSATS Municipal Pension Trust. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

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Approval of Minimum Municipal Obligation for 2024 Pension Contributions.

Heidi Fiedler motioned to approve Resolution 30-2023 setting a Minimum Municipal Obligation for 2024 Pension Contributions for \$10,000.00. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Set Trick or Treat Hours for Halloween 2023 (Hours in 2022 were set at 5:00 p.m. to 9:00 p.m.).

Heidi Fiedler motioned to set the Trick or Treat for Halloween 2023 for October 31, 2023, from 5:00 p.m. to 9:00 p.m. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

**Adjournment**

A motion to adjourn the meeting was made by Heidi Fiedler and seconded by Joshua Meck. The meeting was adjourned at 9:28 p.m.

Respectfully Submitted,

Christina Hafer  
Township Secretary