Maidencreek Township Board of Supervisor Meeting
March 12, 2015

Present: Claude Beaver, David Franke, Joseph Rudderow III, Eugene Orlando, Jr. – Orlando Law Offices, Charles Jones – Great Valley Consultants, Diane Hollenbach – Township Manager

Guests: Jim Schoellkopf, Kevin Dunn, Scott Miller, Karyn Feick

Joseph Rudderow III called the March 12, 2015 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:04 pm in the Maidencreek Township Municipal Building.

MINUTES & FINANCES

Approval of the Regular Meeting Minutes

A motion was made by Claude Beaver to waive the reading of the minutes and approve the minutes for the February 12, 2015 regular meeting. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by Claude Beaver to approve the February 2015 Treasurer's Report and Bill List. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke to close VIST Checking Account 0281 and transfer the balance to the National Penn General Fund Checking. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke to open a Fire Tax checking account at National Penn. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT – none

REPORTS

ENGINEER'S REPORT

Angelo Corrado Maidencreek Crossing - Tabled

Bradley Subdivision Preliminary Plan - The Board discussed their concerns over a fifteen foot easement and the difficulty that the property owner might encounter installing a sewer lateral in such a tight space. Claude Beaver also stated that he wants the swale put back in along the road. The water currently runoff the property and onto the road. Scott Miller asked that he be allowed to take the request back to the developer and they may be able to resolve the situation without having it be a condition of plan approval.

A motion was made by David Franke to waive Section 190-94-B.1 of the Maidencreek Township Code of Ordinances requiring a minimum width of twenty feet for easements and allow a fifteen-foot wide sewer lateral easement on the Bradley Subdivision Plan. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke to grant conditional preliminary plan approval to the Bradley Subdivision and Annexation Plan conditional upon compliance with all items in the

Great Valley Consultants review letter dated February 24, 2015, which is incorporated by reference. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Brandywine Transportation Plan

A motion was made by David Franke to grant the Brandywine Transportation Land Development Plan final plan approval conditional upon addressing the issues in the March 3, 2015 Great Valley Consultants review letter, which is incorporated by reference. Claude Beaver seconded the motion.

David Franke amended the motion to include as conditions of final plan approval entering into an improvements agreement and storm water management agreement approved by the Township Solicitor and providing financial security in a form acceptable to the Township. Claude Beaver seconded the amendment and hearing no questions on the motion and amendment, they passed unanimously.

Esbenshade's Greenhouse Land Development Plan

Charles Jones of Great Valley Consultants discussed the Esbenshade Land Development Plan and the mulch storage area. Terry Naugle of GVC reviewed the area for zoning compliance and determined the mulch storage area does not satisfy the definition of a structure. Mr. Esbenshade has verbally agreed to screen the backside of the area as requested by the Planning Commission. The Commission requested another month to review the issue.

A motion was made by Claude Beaver to grant the developer an extension of time to the review period for the Esbenshade Land Development Plan until June 28, 2015. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

MUNICIPAL SOLICITOR REPORT

Ordinance 237 Revisions to the Peddler's Ordinance – Joseph Rudderow explained that a public hearing was held at seven pertaining to the adoption of revisions to the Peddler's Ordinance. The main revision was to add times when peddling door to door is allowed.

A motion was made by David Franke to adopt Ordinance 237 Revisions to the Peddler's Ordinance. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Maidencreek Estates Construction Entrance – Mr. Orlando reported that the ordinance 137 vacating the construction entrance was recorded in the courthouse.

Zoning and SALDO Revised Ordinances – Mr. Orlando reviewed the steps in adopting a Land Use Ordinance including notice, posting and review by the Berks County Planning Commission and neighboring municipalities. The Board felt that everything could be accomplished in time to have a public hearing on June 11, 2015 at 7:15 p.m.

A motion was made by David Franke authorizing the Township Solicitor, Manager and Engineer to coordinate activity and proceed with establishing a public hearing on June 11th, 2015

beginning at 7:15 p.m. and authorized all action necessary for this to occur. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Maidencreek Crossing Agreement

A motion was made by Claude Beaver authorizing the Board of Supervisors to sign the agreement between Maidencreek Township, Jason Bailey and Henry Inc. in regards to the ten lots along Hill Road street trees, sidewalks and streetlights. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT - None

ROAD MASTER REPORT

Claude Beaver reported that the Road Crew had performed winter maintenance, inspected outfalls for MS4 reporting, installed a new floor in the meeting room and painted the hallways. An ORI form was distributed to members to give an example of what was being inspected on the outfalls for MS4. Mr. Beaver updated the Board on the minor accident that Truck #6 had during one of the ice storms.

MANAGERS REPORT

Diane Hollenbach updated the Board on several zoning violations and questions received throughout the month. Gene Orlando stated that 115 Grove Road, Blandon was taken to the District Justice where they received a $100 fine. The Township should continue to monitor this site and proceed with another citation if there is no progress once the warmer weather arrives. Jane's Spa on Allentown Pike was closed. The building owner's attorney has requested all materials the Township possesses to aid in eviction of the tenant.

37 W Wesner Road Trash Violation - Mrs. Hollenbach updated the Board on 37 W Wesner Road and their violation of the Waste Ordinance for not having a trash hauler.

A motion was made by David Franke to authorize the Code Enforcement Officer, Manager and Solicitor to proceed with citing the owner of 37 W Wesner and proceed to the District Justice. Claude Beaver seconded the motion. Joseph Rudderow asked what type of enforcement was available for this type of situation. Mr. Orlando stated that he is recommending a nontraffic citation but the Township could also proceed with civil enforcement or an injunction. Hearing no further questions on the motion, all members voted, "Aye." Motion carried.

Future Planning Projects – The Redner's Warehouse Expansion was rejected due to a failure to provide the Township with an extension of time. Mrs. Hollenbach also reported that she had spoken with David Zwicky about the Verizon cell tower project and he indicated that Verizon planned to move forward and would be contacting the Township. The correspondence the Township received about an additional Verizon tower on the Township property was forwarded to Crown Castle for their review.

Farvardin Planning Module Exemption – Mrs. Hollenbach reported that Mr. Farvardin had received the Sewage Enforcement Officer's signature on his planning module exemption for his

property on Evansville Road. Instead of sending the complete module to the Township for approval and signature, the SEO gave the signed sheet to the applicant directly. The applicant in turn mailed the planning module to the PA DEP without securing the Township's signature. The PA Department of Environmental Protection is rejecting the module and requiring a full Planning Module due to the high nitrates in the area.

Penn DOT Meetings – Mrs. Hollenbach reported that meetings were held with Penn DOT regarding Route 222 safety improvements, access for the Crossings at Maidencreek shopping center, and options for the West Shore Drive Bridge. Another meeting was held on the shopping center with David Argall and Christian Leinbach.

Penn DOT laid out a few options for the West Shore Drive Bridge (a.k.a. Ontelaunee Bridge), which is currently closed. They estimate the repair to cost nearly 2.5 million dollars and have asked what purpose the bridge serves the community. Due to low traffic volumes and the fact that Penn DOT has not received complaints about the bridge closure, Penn DOT officials felt they could put that money to better use elsewhere. Options were: 1. Full rehabilitation and turning the bridge over to the Township. Repairs would last about 100 years but work would be needed to the deck in 50 years. Partial rehabilitation and a weight restriction and turning the bridge over to the Township or partial rehabilitation and use as a walking trail. Again, the bridge would be turned over to the Township. The last option would be to tear the bridge down completely. There was discussion that Penn DOT would look at improving the roads impact by making the detour permanent if the bridge was not to be repaired for vehicles. To complicate matters, Lake Ontelaunee is a National Historic Site and whatever is done with the bridge is required to follow Federal standards.

A motion was made by David Franke authorizing the Roadmaster and Township Engineer to look at the West Shore Drive Bridge. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

The Board authorized the Manager to send a letter to residents, neighboring townships and emergency services asking how the permanent closing of the bridge would impact them.

Resolution 16-2015

A motion was made by David Franke to adopt Resolution 16-2015 Honoring Jackie Carroll in receiving the Girl Scout Gold Award by making 100 surgical caps for Nemours/Alfred I DuPont Hospital for Children. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

PARK AND RECREATION

Playground Mulch

A motion was made by Claude Beaver to purchase playground mulch at a cost of $16.19 per cubic yard with a quantity not to exceed 160 cubic yards. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

OLD BUSINESS

Recording Secretary – Tabled.

Authority Appointment – The Board asked to interview candidates.

Appoint PSATS Voting Delegate

A motion was made by Claude Beaver to appoint Diane Hollenbach as PSATS Voting Delegate for the Township and David Franke Voting Delegate for the County Association. Joseph Rudderow seconded the motion and hearing no questions on the motion, it passed unanimously.

Adopt Revised Personnel Rules and Regulations - Tabled

NEW BUSINESS

MS4 TMDL – Diane Hollenbach reported that the Township's TMDL plan was rejected by the PA DEP as was every other plan in the State. The Township will continue to work with Systems Design Engineering on the plan. A meeting will most likely be needed with the PA DEP for guidance. Mr. Rudderow asked if there was anyone, we could join with on the MS4 and if there was a person on the Federal level the Township could express their concerns to about the whole MS4 requirement.

FOR THE GOOD OF THE ORDER

Joseph Rudderow welcomed Great Valley Consulting on as Engineer and Code Official/Zoning Officer. Mr. Rudderow stated that he believes that people work hard and should have the freedom to enjoy their property to their fullest. The Township has always responded to complaints when received and encouraged neighbors to talk to each other to try to work things out before involving local government. The Board would like to continue to follow the philosophy of responding to complaints that are not anonymous and not go looking for problems.

A motion was made by David Franke, seconded by Claude Beaver, to adjourn the March 12, 2015 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:06 pm.

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Township Secretary, January 5, 2015

Cc: Board of Supervisors
Eugene Orlando, Orlando Law Office, Solicitor
Charles Jones, Great Valley Consulting, Engineer
Thomas Unger, Systems Design Engineering, Inc., SEO
Planning Commission
Park & Recreation Board
Zoning Hearing Board and Alternates
Joan London, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Patrick Donovan, Maidencreek Township Authority General Manager
JoAnn Schaeffer, Maidencreek Township Authority Secretary
Dan Becker., Kozloff Stoudt, 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