Maidencreek Township Board of Supervisor Meeting
November 12, 2015

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

Guests: Jerry Clay, Mr. and Mrs. Harold Readinger, Timothy Kopicz, Richard Wick, Ron Garber, Donna Garber, Karl A. Bolognese, Roger Barr, Karen Chandler, Tim K. Boltz, Kenneth C. Fies, Tim Larkin, Dan Miller, Chris Kline, Gene and Mary Lou Bossler, Jim Schoellkopf, Jr., Cody Rhoads, Ray Martin

Joseph Rudderow called the November 12, 2015 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:17 pm in the Maidencreek Township Municipal Building. Mr. Rudderow announced that the Board held three executive sessions: October 15th for litigation, October 23rd for personnel and November 12th prior to tonight's meeting for litigation.

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 October 8, 2015 regular meeting. Joseph Rudderow seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Claude Beaver to waive the reading of the minutes and approve the minutes for the October 29, 2015 special meeting. Joseph Rudderow 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 October 2015 Treasurer's Report and Bill List. Joseph Rudderow seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Claude Beaver authorizing the chair to sign the developer's improvement agreement payment request letter for Custom Milling & Consulting for $599.00. Joseph Rudderow seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Claude Beaver authorizing the chair to sign the developer's improvement agreement payment request letter for W.D. Zwicky Processing for $614.00. Joseph Rudderow seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Claude Beaver authorizing the payment of $116,538.76 from the Fire Tax Fund to the Blandon Fire Company. Joseph Rudderow seconded the motion and hearing no questions on the motion, it passed unanimously.

Traffic Ordinance

Based on the testimony given at the public hearing the Board agreed to change the Traffic Ordinance amendment to the minimum required by Penn DOT, which is 110 feet east and 150 feet west of 505 Main Street. Charlie Jones, Township Engineer, stated that the traffic manuals are vague on the requirements for a traffic study on no parking restrictions. The Board discussed further no parking areas to improve line of site when pulling out from Grove Road onto Main Street but tabled action at this time.

A motion was made by David Franke to advertise the amendment to the traffic ordinance to restrict parking on Main Street 110 feet east and 150 feet west of 505 Main Street. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Public Comment

Ray Martin, W Wesner Road asked the Board permission to leave W Wesner Road open while installing the sewer line across the road. He proposed to detour a travel lane onto the shoulder, which is comprised of #3 stone, and some 2A modified. Charlie Jones agreed that this should be fine as long as the contractor agreed to restore the shoulder should damage occur.

Gene and Mary Lou Bossler of 122 Grove Road, Blandon asked for an update on the condemned home at 115 Grove Road. Christopher Garrell of Orlando Law Office reported that one party pled guilty and was paying the fine and the other party has not been served. Mr. Garrell will follow up with the District Justice. Diane Hollenbach suggested the township look into the Blighted Property Program at the County. Mr. Rudderow was not sure he was comfortable with this since the property was cited. He added there is all types of home ownership and he did not want to see any unintended consequences. It is someone else's private property and Mr. Rudderow would not want someone to tell him what to do on his own property. Mr. Franke was interested in more information on the Blighted Property Program and Mr. Beaver was interested in what litigation options were open to the Township. Mr. Garber commented that he walks his dog past this property and he did not believe it could be saved. Mrs. Bossler stated that the electricity was still on and she felt there was a danger of fire.

REPORTS

ENGINEER'S REPORT

384 Evansville Road Planning Module – Charlie Jones, Township Engineer, reported a planning module had been submitted for the Township's consideration for an assisted living facility or apartments. An on-site sewage treatment system had been developed and if it were to be approved by the Pennsylvania Department of Environmental Protection, the Township would have to adopt a resolution to modify the Act 537 Plan. The engineer, solicitor and planning commission had all reviewed the planning module and felt that the Township could not approve the planning module because there were two uses listed and one use would require a conditional use hearing. Because a land development plan had not been submitted nor a conditional use hearing applied for, the Township could not certify that the use was consistent with municipal zoning and subdivision ordinances. Mr. Farvardin, the applicant, stated that the system is designed for a certain flow and the flow decides how the property can be used. The property is for sale but cannot be sold without an operating sewage treatment plan. Mr. Orlando suggested that the planning module be withdrawn and changed to the multi family dwelling use, which is a use by right, and that would allow the Township to approve the planning module. Mr. Farvardin agreed and submitted a handwritten letter withdrawing the planning module.

A motion was made by David Franke to accept the letter withdrawing without prejudice the planning module for 384 Evansville Road. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke authorizing the engineer or manager to notify the Berks County Planning Commission in writing of the planning module withdrawal. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

TMDL Plan – Charlie Jones explained that the area around the Rajah Shrine that drained into Lake Ontelaunee was required by the PA DEP to have a TMDL Plan. The plan must address sediment and pollution entering the Lake. This is part of the MS4 requirements, which is possibly one of the largest unfunded mandates the state and federal government has ever passed onto local government. The Township's proposed plan of additional street sweeping was rejected by the PA DEP. The Township must submit a revised plan by December 31, 2015. The strategy has been modified to include working with the local landowners and County agencies such as Berks Nature to successfully prevent pollutants from entering the roadway through education and outreach.

A motion was made by David Franke to authorize the advertisement of the TMDL strategy for public comment. The motion was seconded by Claude Beaver and hearing no questions on the motion, it passed unanimously.

Verizon Cell Tower Plan Reapproval

A motion was made by Claude Beaver to reapprove the preliminary/final plan for the Cellco Partnership d/b/a Verizon Wireless, Reading Evansville Land Development Plan conditional upon completion of the items in the Great Valley Consultants August 4, 2015 review letter, which is incorporated by reference and completion of the items of the August 27, 2015 Berks County Planning Commission review letter, which is incorporated by reference. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

SOLICITOR'S REPORT

Road Work Dispute - executive session for potential litigation

Verizon Proposal – executive session for real estate.

Comcast Cable Franchise Renewal – Comments were received from Comcast since the last meeting and are being reviewed.

Pleasant Hill Road Easements – Mr. Jones will resend the plan to Mr. Orlando.

ROADMASTER REPORT

Claude Beaver reported that the road crew had collected leaves and did equipment maintenance in October. Mr. Beaver requested authorization to purchase the bucket for the mini excavator that they had been using since June on loan.

A motion was made by David Franke to authorize the purchase of a used mini excavator werk brau two-position 12-inch bucket with the cost not to exceed $775.00. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

MANAGERS REPORT

Maidencreek Township Authority – Mrs. Hollenbach updated the Board on the progress of the development of Well #6.

MS4 MCM 6 – As part of the MS4 activities, the Township Manager requested the purchase of a drum lift, four oil pumps and three oil drum pallets for the storage of new and used oil in the garage.

A motion was made by David Franke to authorize the purchase of a drum lift, four oil pumps and three oil drum pallets with the cost not to exceed $1,417. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

OLD BUSINESS

Resolution 22-2015

A motion was made by David Franke to adopt resolution 22-2015 honoring the service of J. Richard Thren to the Township. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

A RESOLUTION HONORING THE SERVICE OF

J. RICHARD THREN

TO THE TOWNSHIP OF MAIDENCREEK

WHEREAS, J. Richard Thren served the Township of Maidencreek as a Maidencreek Township Zoning Hearing Board Member and as a member of the Planning Commission; and

WHEREAS, Dick demonstrated exemplary skills in listening to others, exercising sound judgement and giving thoughtful consideration to the issues; and

WHEREAS, Dick during his time on the Planning Commission instituted rules to help efficiently manage the review of Subdivision and Land Development Plans, as well as adoption of Planning Commission Bylaws to ensure the efficient and lawful operation of the Planning Commission; and

WHEREAS, Dick served on the Joint Planning Commission and was instrumental in the creation and adoption of a Joint Comprehensive Plan with Fleetwood Borough and Richmond Township; and

WHEREAS, Dick's dedication, insight and vision have resulted in the betterment of our community through proper land use practices and zoning.

NOW, THEREFORE, BE IT RESOLVED by the Township of Maidencreek that the Board of Supervisors hereby honors and praises **J. Richard Thren** for his outstanding service to the people of Maidencreek Township and his dedication to the betterment of the community.

In lawful session duly assembled this 12th day of November, 2015A.D.

West Shore Drive – Joseph Rudderow updated the audience on a recent meeting held at the PennDOT District 5 office regarding the West Shore Drive Bridge. Penn DOT was open to suggestions and the meeting was productive but no decision on the fate of the bridge has been made.

NEW BUSINESS

Animal Rescue League Contract

A motion was made David Franke to authorize the chairman to sign the contract with the Animal Rescue League for 2016 service. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously. The Board asked that the information be put on the website and in the newsletter.

Laird Variance

A motion was made by Claude Beaver to send a letter to the Zoning Hearing Board regarding safety concerns the Board had about the water and sewer lines freezing and how the RV would be heated and vented. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Templin Variance – The Board had no comments.

An Executive Session was held from 9:00 to 10:45 p.m. to discuss litigation and real estate.

Budget – The Board asked that the draft budget be modified to keep money in reserve for litigation and that cuts be made to keep the budget tight. Mr. Rudderow asked for a zero tax increase.

A motion was made by David Franke to authorize the Township Manager to advertise a budget meeting on Monday, November 16, 2015 beginning at 9 a.m. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Having no further business, a motion was made by David Franke to adjourn the November 12, 2015 Board of Supervisors meeting. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously. Meeting adjourned at 10:55 PM.

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Township Secretary November 17, 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, MTA General Manager
JoAnn Schaeffer, Maidencreek Township Authority Secretary
Dan Becker., Kozloff Stoudt, Authority Solicitor
Greg Unger, SDE., Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police