MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

May 11, 2017

ENGINEER'S AGENDA

Subdivision Review Status Checklist

- **Next Supervisors Meeting June 8, 2017.**

Subdivision / Zoning / LDP

- **No Plans currently in review.**
- **Melrose Place – Stormwater/Grading**
  - **SDE, Inc. sent ltr. To BCCD, dated May 1, 2017**
  - **SDE, Inc. sent ltr. To Folino, dated May 5, 2017**
  - **SDE rec'd phone call May 11, 2017 from Atty. Sal Folino at Brennan Law Offices; Atty. Sal Folino indicated that Folino would be mobilizing/planning to do the work per SDE ltr. And that Folino would call to arrange a site meeting prior to starting of work.**

(1) (2)

Projects

- Stormwater Projects
  - **Walnut Manor Tree Dr. – Bids received on April 3, 2017; bid awarded to Wexcon, Inc. in the amount of $28,635.00.**
  - Ina/Rt. 73 – Lindbergh/Adele – on hold.
  - **Preconstruction mtg. held on Thurs. May 11, 2017**

(3)

- West Shore Drive
  - Meet with inspector for state on Tues., Aug. 23 regarding Bridge Inspection. Report.
    - Repairs are somewhat extensive; Twp. Involvement is possible
    - Three (3) 60" dia. Pipes required as alternative to existing opening. Not desirable due to maintenance.
    - Twp. to make repairs as schedule permits.

- Street Lighting
  - Investigation of light intensity ongoing; drone camera pictures of Spirit Ct. & Ontelaunee Heights completed.

- 2017 Street Project
  - **Bids received on May 11, 2017; bid tabulation, copy to be provided at mtg.**

(4)

- **MS4**
  - **SDE preparing PRP (Pollution Reduction Plan) for the Willow Creek & TMDL for Lake Ontelaunee.**
  - **Must be advertised for a public comment period.** (5)
  - **Final plan must be submitted to DEP by September 18, 2017**

Subdivision Improvement LOC / Escrow Release (6)

Sewage Enforcement Officer Activity Report

- **No Activity**

May 1, 2017

Mr. Dean Druckenmiller, District Executive
Berks County Conservation District
1238 County Welfare Road
Suite 200
Leesport, PA 19533

RE: Maidencreek Township
Melrose Place Subdivision

Dear Mr. Druckenmiller:

Systems Design Engineering, Inc. (SDE) represents Maidencreek Township as municipal engineer. SDE has reviewed the Corrective Action Plan (CAP) prepared for Melrose Place by McCarthy Engineering. It appears that the CAP, and the PCSM Plan in general, require a fair amount of monitoring to assure proper implementation and long-term benefit. On behalf of Maidencreek Township, please consider the following questions and comments:

1. The Township approved the subdivision plan with stormwater BMPs that were deemed adequate at the time of plan approval. Subsequent to that approval, it is our understanding that the developer needed to renew his NPDES permit and in so doing, was responsible for implementing additional BMPs to bring the PCSM Plan up to current standards. Apparently, that obligation was not met and the resulting CAP requires additional BMPs that also post-date the Township's approval.

   Unfortunately, the Township has no financial means to inspect and enforce the implementation of BMPs that are not covered under the original subdivision approval. Normally, these inspections and enforcement are covered as part of a subdivision improvements agreement, and there are monies in place to reimburse the Township for activities performed by its engineer. Is BCCD conducting the necessary inspections and enforcement as needed to ensure compliance with the NPDES Permit and CAP?

2. Under the CAP, several of the lots will have seepage beds and rain gardens that are not within easements nor depicted on the approved subdivision plan. The approved plan gives the Township the right to enter properties via easements to inspect the covered BMPs, but the Township does not have that ability for the post approval BMPs. Will BCCD be inspecting these BMPs in perpetuity? Will BCCD be the point of contact for complaints or investigations pertaining to these BMPs?

3. The CAP limits sheds and patios to certain maximum sizes per lot, in order to assure that sufficient amended soils areas remain undisturbed. Odds are that residents of the affected lots will approach Township code officials at some future date for permits for sheds or patios. If these applications are for structures that exceed the CAP limits, but still meet the Township's

regulations, it would appear that the Township would have no basis to deny the permit, even knowing that it violates the CAP terms. Is there a mechanism whereby BCCD could "overrule" the permit, or otherwise limit the homeowner to the prescribed maximum sizes? What are the legal implications for the Township if it issues a permit for a "legal" structure that would violate the CAP and in turn the NPDES permit/Clean Streams Law?

4. In reviewing the MOU between BCCD and Maidencreek Township, we are not seeing where the Township has agreed to conduct inspections or enforcement actions that are associated with the NPDES permit. Does BCCD see otherwise?

5. Is it correct that BCCD continues to have regulatory authority over the NPDES permit, even after the Notice of Termination (NOT) is filed?

We bring these items to your attention to make BCCD aware of the Township's limitations in assisting the District with compliance and enforcement of post-municipal approval BMPs. Often, the Township is the complainant's first stop when something is perceived as being wrong, and we believe there needs to be consistency between BCCD and the Township in how we react and respond to the Township's residents.

On behalf of Maidencreek Township, we appreciate your time and consideration of the foregoing. Please respond at your earliest convenience, and feel free to contact me if you have any questions or comments.

Very truly yours,
SYSTEMS DESIGN ENGINEERING, INC.

Mark A. Kitzmiller
m.kitzmiller@sdei.net

cc: Diane Hollenbach, Township Manager
File:i:\projects\maidencreek township\06-0019-0585 melrose place\ltr to bccd re cap.docx

SYSTEMS DESIGN
ENGINEERING, INC
sdei.net

May 5, 2017

Mr. Mario Folino
340 Old Route 22
Kutztown, PA 19530

CERTIFIED MAIL
Return Receipt Requested
7016 2140 0001 0991 2649

Re: Melrose Place
Grading & Punchlist Items

Dear Mr. Folino:

On behalf of Maidencreek Township and in accordance with the Melrose Place Subdivision Improvement agreement Systems Design Engineering, Inc. conducted a site inspection of the residential lots within the Melrose Place Subdivision. Additionally, the Township has received a number of complaints regarding grading, storm water and topsoil distribution from property owners. The following are the inspection punchlist items that require your immediate attention:

1. The rear portions of Lots 39 through 50 shall be graded per approved plan to drain to Swale 4. (Specifically at this time lots 47 through 49 are not graded per plan, there appears to be a berm between the swale and the back of the house which traps storm water).

2. Swale 4 is not graded per approved plan. Swale 4 shall be graded to flow west to east (flow from Lot 47 to Lot 50).

3. Swale 4 has other issues in addition to Item 2 above:

   a. No defined swale on Lot 50.
   b. Debris blocking swale on Lot 49.

4. Swale 1 grading should be confirmed that it is in accordance with approved plans. Landscape blocks are in swale between Lots 21/22.

5. Bird feeder and mounding of ground placed in swale 2 rear of Lot 11.

6. Street trees missing on completed lots:
   a. Lot 1 – one tree missing
   b. Lot 46 – three trees missing

7. Tree/Landscape plantings are missing from center island of the reconstructed pond A1.

In addition to the above items, please take note of the following:

8. Property owners on Lots 47, 48 and 19 have made it known that they would like amended soil or topsoil graded on their lots. This would help you with the NPDES permit requirement and you may be able to eliminate some other NPDES requirements such as a rain garden or drainage pit. In addition, it would seem to be appropriate since Lots 47 & 48 need to be regraded and Lot 19 is between Lots 18 and 20 which are to have amended soils.

9. Upon completion of the project "as-built" plans are required to show compliance with the approved plans.

Please contact this office within 5 days of receipt of this letter to schedule a site meeting to review. Completion of items 1 through 7 shall be completed within 30 days of receipt of this letter or an approved schedule.

Respectfully submitted,
Systems Design Engineering, Inc.

Thomas S. Unger, P.E.

TSU/ll

Cc: Maidencreek Township, Diane Hollenbach, Manager
Mr. Eugene Orlando, Esq.
Rudolfo Folino
File 06-0019-0585

SDE SYSTEMS DESIGN ENGINEERING, INC

PRE-CONSTRUCTION MEETING MINUTES

Project: Walnut Manor Storm Sewer Repair Project **Project No.:** 16-0019-0248

Municipality: Maidencreek Township

Date: May 11, 2017 **Time:** 10:15 AM **Location:** Township Building

Contractor: Wexcon, Inc.

1. The sign-in sheet of those in attendance is attached.

2. The meeting generally followed the Pre-Construction Meeting Agenda Items that was distributed at the meeting. Specific items discussed in depth are summarized below.

3. The overall scope of work for the project was reviewed. The Township emphasized a condition of one of the easement agreements to provide notification at least 48 hours before the start of work. The Township would like at least 72 hours' notice so they have time to notify the property owners.

4. The overall project schedule and timeframe was discussed, and the following schedule and timeframe were agreed to:

    A. Wexcon will start sometime the week of May 22nd.

    B. Wexcon expects the work to take less than a week to complete.

    C. Work will begin on Lot 73 (337 W. Walnut Tree Drive).

5. The Notice to Proceed was issued and signed by Paul at the meeting. The official start date is May 22, 2017 and the substantial completion date is June 12, 2017 (21 days).

6. The requirement that the Contractor is responsible for damages to the existing fence, trees, shrubs, driveways, etc. was discussed. Also discussed in detail is the requirement to reconnect the existing downspout pipes for Lot 73 to the replacement storm sewer if the downspout pipe currently ties into the section of pipe being replaced.

7. The safety items in the agenda were discussed and agreed to.

8. Questions raised by Wexcon:

    A. May 2A aggregate be used for the storm sewer pipe envelope instead of AASHTO No. 57 (2B)?

        Yes, 2A may be substituted.

B. Who is responsible for the topsoil and seeding/mulching of the easement areas at the close of construction?

The Township will perform the topsoil preparation and seeding/mulching after the topsoil stockpile is respread by Wexcon.

9. SDE will stake the construction easement limits.

10. SDE gave Wexcon, Inc. two compiled contract manuals (includes the executed contract documents, bonds, insurance, etc.). Two copies of the Notice to Proceed were retained by Paul, and four were returned to SDE.

The meeting was adjourned at approximately 10:45 A.M.

Respectfully submitted,

SYSTEMS DESIGN ENGINEERING, INC.

Craig Momose

Craig Momose, P.E.

Attachments: Sign-In Sheet
Pre-Construction Meeting Agenda Items

MAIDENCREEK TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
SPECIFICATIONS FOR
2017 ANNUAL ROAD PROJECT
CONTRACT 'A' - ROAD IMPROVEMENTS
CONTRACT 'B' - COLD-IN-PLACE RECYCLING
BID OPENING
MAY 11, 2017

BIDDERS	TOTAL BASE BID CONTRACT A (Bid Items #1.A. thru #5.C.)	TOTAL BID CONTRACT 'A' (Bid Items #1,#2,#4,#5 and ALT BID ITEM #A.1.)	TOTAL BID CONTRACT 'A' (Bid Items #1,#2,#3,#5 and ALT BID ITEM #A.2.)	TOTAL BID CONTRACT 'A' (Bid Items #1,#2,#5 and ALT BID ITEMS #A.1. & #A.2.)	TOTAL BASE BID CONTRACT B (Bid Items #6.A. thru #7.B.)
1. Asphalt Paving Systems 595 Mill Road Lehighton, PA 18235			No Bid		
2. Landis C. Deck & Sons Site Contractors Division of H&K Group, Inc. P.O. Box 196 Skippack, PA 19474	$281,661.75	$326,003.25	$297,218.75	$341,560.25	$92,595.00
3. New Enterprise Stone & Lime Co. PO Box 77 3912 Brumbaugh Road New Enterprise, PA 16664	$289,393.92	$326,902.22	$302,066.92	$339,575.22	$96,904.75
		w/Spirit Ct. cold-in-place recycle	w/Orchard Rd. cold-in-place recycle	w/Spirit Ct. & Orchard Rd. recycle	Evansville Rd.

Low bids Landis C. Deck

Contract "A"	$281,661.75
Contract "B"	$92,595.00
TOTAL	$374,256.75

Tom Unger

From: Mark Kitzmiller
Sent: Thursday, May 11, 2017 10:04 AM
To: Tom Unger; Keith Showalter
Subject: MS4 Info

Tom & Keith:

For Maidencreek and Laureldale's MS4 requirements that include TMDL and PRP Plans for their impaired streams (these are SDE's only 2 with this obligation):

Maidencreek and Laureldale should publish a newspaper notice around July 21, so that there is a 30 day public comment period for inspection of the plans, and that 30 day period must include the Aug 10th BOS meeting and the Aug 7th Council meeting, respectively, so that the public can show up and ask questions if needed.

That means I must have the plans completed by July 21.

--Mark

⑤

SUMMARY
IMPROVEMENT AGREEMENTS INVOICES
APPROVED FOR PAYMENT
MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS
MAY 11, 2017

DATE OF INVOICE/PAYEE	INVOICE NO.	AMOUNT
1. Melrose Place		
04/30/17 Maidencreek Twp. – Re: SDE, Inc.	87748	$724.24
	AMOUNT DUE	$724.24
	TOTAL AMOUNT DUE	**$724.24**