Maidencreek Township Board of Supervisor Meeting
April 13, 2017

Present: David Franke, Joseph Rudderow III, Tom Unger – Systems Design Engineering, Inc., Eugene Orlando, Jr. – solicitor, Diane Hollenbach – Township Manager

Absent: Claude Beaver

David Boalin, Ryan Crampsie, Heidi and Avery Millisock, Ray Martin, Matt Zimmerman, Mike Shirk, Andrew Young, Francis A. Scott, Brian Horner, Chris Kline

Joseph Rudderow III called the April 13, 2017 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:00 pm in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

MINUTES & FINANCES

Mr. Rudderow III announced that an executive session was held April 12, 2017 for personnel and contract negotiations.

Approval of the Meeting Minutes

A motion was made by David Franke to waive the reading of the minutes and approve the minutes for the March 9, 2017 regular meeting. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke to waive the reading of the minutes and approve the minutes for the March 13, 2017 emergency meeting. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke to waive the reading of the minutes and approve the minutes for the March 27, 2017 special meeting. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by David Franke to approve the March 2017 Treasurer's Report and Bill List. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

2016 Audit

A motion was made by David Franke to accept the 2016 audit as presented. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Avery Millisock, South View Road, Fleetwood stated he was attending to discuss his Eagle Scout Project.

Louise Legun and Judith Woodruff of 629 Main Street, Blandon asked the Board to enact a resolution asking the Delaware River Basin Commission (DRBC) to enact a complete and permanent ban on natural gas development and fracking. Ms. Legun stated that the DRBC is

considering drafting regulations to allow fracking in the Delaware River Basin. Maidencreek Township is part of the Delaware River Basin and its water supply could be impacted by future fracking. Ms. Woodruff spoke to the Board about the two formations that contain gas and extend into Berks County and added that more fracking means more pipelines. Ms. Woodruff respectfully requested the Board review the resolution and decide upon it for our township adding that New York and Maryland already ban fracking. Mr. Rudderow III thanked the ladies for their comments.

Ray Martin of Martin Construction on behalf of Stoney Creek Rentals to discuss the release of the building permits for the warehouse addition.

Vickie Solberg of 317 Sofia Blvd., Blandon handed out a topographic survey of her lot. Ms. Solberg asked the Board three questions and provided a statement to be placed into the record as follows:

Good evening, my name is Victoria Solberg and I own lot 47 in the Melrose Place Subdivision. I am going to address the following problems and give you my requests:

A. The Berks County Conservation District did an onsite visit of my property on August 2, 2016. They found no topsoil on my property and noted the grading and contours did not seem to follow the approved Melrose Place Subdivision Plan dated 4/07/2006, revision 13, by McCarthy Engineering (Appendix 1). They told my brother and me that they would write up a report and send it to Folino Homes, PA-EPA/DEP, the appropriate Township Boards and Township Engineers, indicating noncompliance with the approved plan.
B. At the Supervisors Board meeting on or about 9-15-2016, I asked the Board to correct these noncompliances and was told that this matter was between myself and the builder of Folino Homes and that I should hire a registered PA surveyor to survey my property.
C. I hired John W. Hoffert who surveyed my property and plotted the contours as shown on the "Partial Boundary & Topographic Survey Plot Plan – Victoria Solberg," (Attachment 2). An engineering comparison showing significant differences between what the original "Plan" mandates and the contours mapped several weeks ago by Hoffert is attached (Attachment 3 and 4).
D. I have verbally requested meetings with Mr. Marco Folino to resolve these issues 4 or 5 times but no responses or actions have been taken on his part. In addition, my attorney is preparing a letter of notification to Folino Homes with copies to all parties involved.
E. I am here tonight to ask three questions of the Board of Supervisors:
    1. Will you commit to enforcing the contour grading plan detailed in the Township Approved Melrose Place Subdivision Plan Dated 4-7-2006 for my property?
    2. Will you, perhaps in concert with the Berks County Conservation District, enforce the amended topsoil requirements given in the Township approved Melrose Place Subdivision Plan dated 4/7/2006 for my property?
    3. I ask that this statement and the four attached pages of contours be included in your meeting minutes for the record.

Mr. Rudderow III stated that grading issues on private property are between Mrs. Solberg and the builder. The township engineer, Thomas Unger, stated that the subdivision was inspected prior to homes being built and the builders take liberties with grading. The Township can inspect facilities covered by the improvements agreement which would include the swale in Mrs. Solberg's backyard. Mr. Unger stated that the amended soil was not on the original 2006 recorded plan. The soils were an addition at a later date under the Berks County Conservation

District NPDES Permit review. (This is covered later in the meeting under the Melrose Place Corrective Action Plan.) Mrs. Solberg stated the Board can stop construction in Melrose Place. David Franke asked the solicitor, Eugene Orlando Jr. what enforcement powers the Township has. Mr. Orlando stated that the Improvements Agreement, which has been extended to July, confirms that the plan is designed to meet the subdivision and land development ordinance. This agreement applies only to public improvements and the supervisors can enforce those things that are public improvements covered under the Improvements Agreement but not private property.

A motion was made by David Franke to authorize the township engineer to review the swale grading as it relates to the improvements agreement and is shown on the plan. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

David Boalin reiterated concerns about his sister, Vickie Solberg's property. He stated that the amended soils serve as a BMP (Best Management Practice) and that the builder went wild with the grading, adding a swale not shown on the plan. He believes that the Board is delegated the power to oversee and enforce contours and proper soils.

Ryan Crampsie of 312 Sofia Blvd. Blandon stated that fourteen (14) lots were built without amended soil and asked if this was something the Board could enforce or if he would have to pursue it with the builder. He stated that he had his one year inspection in March and put that on the inspection questionnaire but has not had a response from Folino Builders.

Heidi Fiedler of 432 East Wesner Road, Blandon commented that she was at Vicki Solberg's property and there are erosion and sedimentation violations like no silt fence and a large dirt pile. Ms. Fiedler asked that the March 27, 2017 meeting minutes be amended because they do not include public comment and there was public comment. Mr. Rudderow III stated that the transcript of the public hearing portion of the meeting has not yet been received. The minutes that were approved tonight were for the public meeting portion when the ordinance was adopted during which there were no comments. Ms. Fiedler stated she felt all meetings should be held at 7 or 7:30 at night. Mr. Rudderow explained that the Board felt it was important to have a full Board in attendance when adopting the Zoning Ordinance and because of a change in Supervisor Beaver's work schedule, the meeting was held in the morning so he could attend.

REPORTS

ENGINEER'S REPORT

Walnut Manor Storm Water Pipe Replacement – Tom Unger reported that the Walnut Manor storm water pipe replacement project was bid. Six (6) bids were received and Wexcon was the lowest bidder at $28,635. They are reputable and a responsible bidder. Mr. Unger commented on the difference between the low bid and the highest bid at $155,000. Upon award, contracts and insurance will be requested.

A motion was made by David Franke to award Wexcon the Walnut Manor Storm Water Pipe Replacement with a bid of $28,635.00. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

2017 Road Projects – Mr. Unger stated the roads under consideration for paving this year were a portion of Evansville Road, Orchard Road, W Wesner Road, Blandon Avenue and Spirit Court.

Some storm water work will need to be performed in advance of a paving project. Mr. Unger is estimating the project bid over $400,000. Mrs. Hollenbach suggested that the bid be written so that any portion may be rejected as she was concerned with the cost. Mr. Unger explained to the Board that the materials costs are higher this year and with the sale of EJB, there is less competition.

A motion was made by David Franke to advertise to receive bids for the 2017 road projects. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Melrose Place Corrective Action Plan – Tom Unger explained that Rudolfo Folino, developer of Melrose Place, has submitted a Corrective Action Plan to the Berks County Conservation District to address the issues of not installing the amended soils on properties as a Best Management Practice (BMP) as required by his NPDES Permit. His engineer is proposing installation of amended soils on the lots that remain under his ownership, rain gardens and seepage pits. Mr. Boalin asked from the floor if the Board was approving this plan tonight. Mrs. Hollenbach explained that the Township was looking at it and had the ability to send a letter to the Berks County Conservation District but the Township had no power to approve or deny the plan. Mr. Orlando stated that a lot of people had their fingers in the Land Development Pie. The Board of Supervisors operate under the Municipal Planning Code and most of what is being discussed with Melrose Place, the Board does not have the power to fix. Mr. Unger added that the amended soils are a Berks County Conservation District requirement, not a Township requirement.

Mr. Orlando stated that the Township would not be reviewing this plan at all if the Township Manager hadn't demanded it. The Board has to balance how it spends public money and if they were to spend it on a private problem, they would be endangering their oath. The Board and professional staff discussed the enforcement problems this CAP created. The 11 lots under this CAP would be limited in the size of a deck and shed and would have rain gardens and seepage beds to maintain as well as the amended soils. They would not be able to remove the amended soils to install any other structure on their property such as a pool. Mr. Rudderow stated that this plan did not help the current property owners. David Franke was concerned about the cost of maintaining a rain garden and what the Township's role would be if a rain garden or seepage bed were removed or fell into disrepair. Mr. Orlando suggested the Board let the Berks County Conservation District know the plan is unenforceable.

A motion was made by David Franke authorizing the engineer to put the April 5, 2017 Systems Design Engineering review letter into a strongly worded letter to the Berks County Conservation District on behalf of the Township. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Stoney Creek Rentals Reapproval – Mr. Unger stated that the Board had previously approved the Stoney Creek Rental Warehouse final plan conditional upon receipt of Penn DOT Highway Occupancy Permit, recording of a combined deed, and the owner's notarized signature on the plan. Ray Martin of Martin Construction stated that all requirements except the Penn DOT HOP were met. The driveway in question has been there and meets standards but Penn DOT is taking a lot of time reviewing the plan and the project is now a month behind schedule. Mr. Martin requested that the building permit be released prior to the plan recording. Mrs. Hollenbach stated that she had called twice on behalf of Stoney Creek, and Penn DOT was taking the time allowed by law for review. Mr. Orlando stated that although it is unlikely but possible the HOP will make requirements not on the plan, the Supervisors could reapprove the plan and release the building permits with the condition that

to the extent there are any differences in the Highway Occupancy Permit and what is actually shown on the plan, no later than 45 days from receipt of the HOP, the applicant will submit a plan for approval and recording that is consistent with the PennDOT Highway Occupancy Permit.

A motion was made by David Franke to approve the Stoney Creek Rental Warehouse Final Plan and release the building permits conditional upon to the extent there are any differences in the Highway Occupancy Permit and what is actually shown on the plan, no later than 45 days from receipt of the HOP, the applicant will submit a plan for approval and recording that is consistent with the PennDOT Highway Occupancy Permit. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

SOLICITOR'S REPORT
Penn DOT Round About Maintenance Agreement – Gene Orlando Jr. of Orlando Law Office reported that he had reviewed the revised draft agreement and had sent comments to the Board and engineer. Mr. Orlando suggested that the engineer provide comments and that he and Mr. Unger will meet to discuss.

A motion was made by Joseph Rudderow III to table action on the Penn DOT Round About Maintenance Agreement Draft for one month. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

MANAGERS REPORT
Diane Hollenbach, manager reported to the Board a request to negotiate has been received from the Teamsters Union. A date of May 22 at 8 a.m. has been tentatively set. There is a breakfast with the County Commissioners on April 21st beginning at 8 a.m. at the Oley Fire Company. The Planning Commission is beginning to review the Subdivision and Land Development Ordinance in June. There is a Berks County Water and Sewer conference in July on utility workplace safety that the road foreman will be attending and there are multiple MS4 workshops hosted by Albright College that are geared towards Township Supervisors. Mrs. Hollenbach asked anyone who wanted to attend any of the events contact her and she would register them.

Road Crew Requests – Mrs. Hollenbach reported that the Road Crew would be starting roadside mowing on May 15th and would like to rent the tractor and mower like they did last year at a cost of $2200. Mr. Rudderow III asked how long the rental period was. Mrs. Hollenbach stated it was for one week.

A motion was made by David Franke to authorize the contract with Stephenson Equipment in the amount of $2200.00 for rental of a tractor and mower for road mowing on May 15, 2017. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

The tractor and mower owned by the Township was purchased in 1996 and is in poor repair. The mechanic has reported that the transmission input shaft seal leaks; it needs an injection pump; the clutch needs work; the boom mower valve spools leak; the cylinders need repacking; the lines leak. The cab roof leaks and is cracked and its appearance is average to poor. The mower was oversized for the tractor from the beginning and the road crew feels that since the Township is renting the road mower, the John Deere 5510 with Tiger Cheetah Boom could be sold as is on Municibid. Mrs. Hollenbach stated that she would write the bid in such a way that the

Supervisors could reject any and all bids.

A motion was made by David Franke to authorize the John Deere 5510 with Tiger Cheetah Boom be advertised for sale on Municibid. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Tailgate for 2000 GMC Dump – The 2000 GMC Dump Truck (Truck #2) has low mileage and is in good repair with the exception of the tailgate. Prices were obtained to purchase a steel tailgate or a stainless-steel tailgate. There are no plans to replace this truck and the road crew would prefer the stainless-steel tailgate with three coal doors ($2,827) installed ($385).

A motion was made by David Franke to approve the purchase and installation of a stainless-steel tailgate with three coal doors from EM Kutz at a cost not to exceed $3,250.00. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Park and Recreation Requests
Eagle Scout Project – Avery Millisock presented a plan to install a flagpole at the Community Park. The pole would be twenty-five (25) feet high and hold a four foot by six-foot American Flag and a Pennsylvania State Flag. It will be illuminated by LED lights mounted either on the pavilion roof or on the electric pole. In addition, plantings of Hosta and bleeding hearts will be put around the memorial bench as well as decorative stone. The cost will be $2,708. Mrs. Hollenbach confirmed that Park and Recreation had recommended the project and that it fell within their budget for Eagle Projects of $3,000. Joseph Rudderow III thanked Avery for his Scouting and for doing something so special. It is a great tribute to the men and women who served our country. Mr. Rudderow asked Avery how long he had been a Scout. Avery replied since first grade. This was his fourth year in Boy Scouts and to achieve his Eagle, he needed this project and two merit badges.

A motion was made by David Franke to authorize $2,708 for Avery Millisock's Eagle Scout project to place a flag pole with lights and landscaping in the Community Park. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Community Park Parking Lot Paving – The Township received three quotes for paving of the new parking lot in the Community Park. Mrs. Hollenbach stated the project would be paid for from the Developer's Fee in Lieu of Open Space account.

Ronnie Folk Paving	$14,275.00
Arlan Wessner	$16,400.00
Landis Deck	$17,956.00

A motion was made by David Franke to approve the quote from Ronnie Folk Paving in the amount of $14,275.00 for the paving of the new parking lot in the Community Park. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Zoning – Mrs. Hollenbach reported that the bank tore down and replaced the decks at 115 Grove Road. The contractor has stated the bank is in the foreclosure process and when that occurs, they will repair the roof and interior of the home. Mr. Rudderow III asked that the Bosslers be updated

on the progress.

Emergency Management

Ambulance Merger – Mrs. Hollenbach reported that the merger of Blandon Ambulance and Schuylkill Valley EMS was approved by the PA Attorney General. The next step is Berks County Orphans Court with a hearing date of no later than May 15th. David Franke reported that with the merger, the ambulance board is working to remove Maidencreek Township from the ambulance loans. There will be a joint board and moving forward, a paramedic unit will be stationed in Blandon during peak call times. Run cards are being changed and the ALS unit is staging at times in the Northern Berks Regional Police parking lot. Mr. Franke stated that the merger was well thought out and well planned.

Northern Berks Regional Police (NBRP) – Brian Horner agreed that he has seen major improvements since the merger began of the ambulance companies. They are professional and NBRP will be participating in an open house at Schuylkill Valley EMS. Officer in Charge Horner updated the Board on changes being made in the police department. The department is going to utilize social media such as Facebook to get information out to the residents. The future will see a community policing board with public participation. OIC Horner offered a tour of the department to those interested.

NEW BUSINESS

Workers Compensation – Diane Hollenbach reported to the Board that the Township quotes the insurances every three years or so. This year there was a reduction in the cost of the PIRMA liability insurance and by switching the workers' compensation insurance to AmeriHealth, the Township will save $15,065 over the 2016 actual cost and will be $42,460 under budget.

A motion was made by David Franke to authorize the Township to switch to AmeriHealth for workers' compensation insurance for the Township, Ambulance and Fire Company. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Codification

A motion was made by David Franke to approve the General Code quote to put the newly adopted zoning ordinance into the codification of ordinances with the cost not to exceed $8,000. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Property Maintenance Appeals Board

A motion was made by David Franke to reappoint Kevin Tobias to the Property Maintenance Appeals Board with a term expiring December 31, 2019. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Act 205 Pension Questionnaire

A motion was made by David Franke to authorize the chairman to sign the Act 205 Pension Questionnaire. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke, seconded by Joseph Rudderow III, to adjourn the April 13, 2017 meeting of the Maidencreek Township Board of Supervisors. Hearing no

questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 8:55 p.m.

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Township Secretary,

Cc: Board of Supervisors
Eugene Orlando, Solicitor
Thomas Unger, Township Engineer
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
Meagan Dompkowski, Maidencreek Township Authority Secretary
Daniel Becker, Authority Solicitor
Greg Unger, Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
OIC Brian Horner, Northern Berks Regional Police

Statement Given to the Maidencreek Board of Supervisors April 13, 2017

Good evening, my name is Victoria B. Solberg and I own lot 47 in the Melrose Place Subdivision. I am going to address the following problems and give you my requests:

A. Berks County Conversation District did an onsite visit of my property on August 2, 2016. They found no topsoil on my property and noted the grading contours did not seem to follow the approved Melrose Place Subdivision Plan Dated 04/07/2006, Revision13, by McCarthy Engineering (Appendix 1). They told my brother and me that they would write a report and send it to Folino Homes, PA-EPA/ DEP, the appropriate Maidencreek Township Boards and Township Engineers, indicating **Noncompliance** with the approved Plan.

B. At the Supervisors Board meeting on or about 9-15-2016, I asked the Board to correct these Noncompliance's and was told that this matter was between myself and the builder of Folino Homes and that I should hire a registered PA surveyor to survey my property.

C. I hired John W. Hoffert who surveyed my property and plotted the contours as shown on the "Partial Boundary & Topographic Survey Plot Plan - Victoria Solberg," (Attachment 2). An engineering comparison showing significant differences between what the original "Plan" mandates and the contours mapped several weeks ago by Hoffert is attached (Attachment 3 and 4).

D. I have verbally requested meetings with Mr. Marco Folino to resolve these issues 4 or 5 times but no responses or actions have been taken on his part. In addition, my attorney is preparing a letter of notification to Folino Homes with copies to all parties involved.

E. I am here tonight to ask **three questions** of the Board of Supervisors:

1. Will you commit to enforcing the contour grading plan detailed in the Township Approved Melrose Place Subdivision Plan Dated 4-7-2006 for my property?

2. Will you, perhaps in concert with the Berks County Conservation District, enforce the Amended/topsoil requirements given in the Township Approved Melrose Place Subdivision Plan dated 4/7/2006 for my property?

3. I ask that this statement and the four attached pages of contours be included in your meeting minutes for the record.

Thank you for your concern in this matter.

Sincerely,

Victoria B. Solberg

Victoria B. Solberg, Owner, Lot 47

Melrose Place Subdivision

317 Sofa Blvd.

Blandon, PA 19510

CURRENT OWNER:
Victoria Solberg

PROPERTY ADDRESS:
317 Sofia Blvd.
Blandon PA, 19510

DEED REFERENCE:
Instument#2015038582

BERKS CO. TAX PARCEL #
5421 18300582

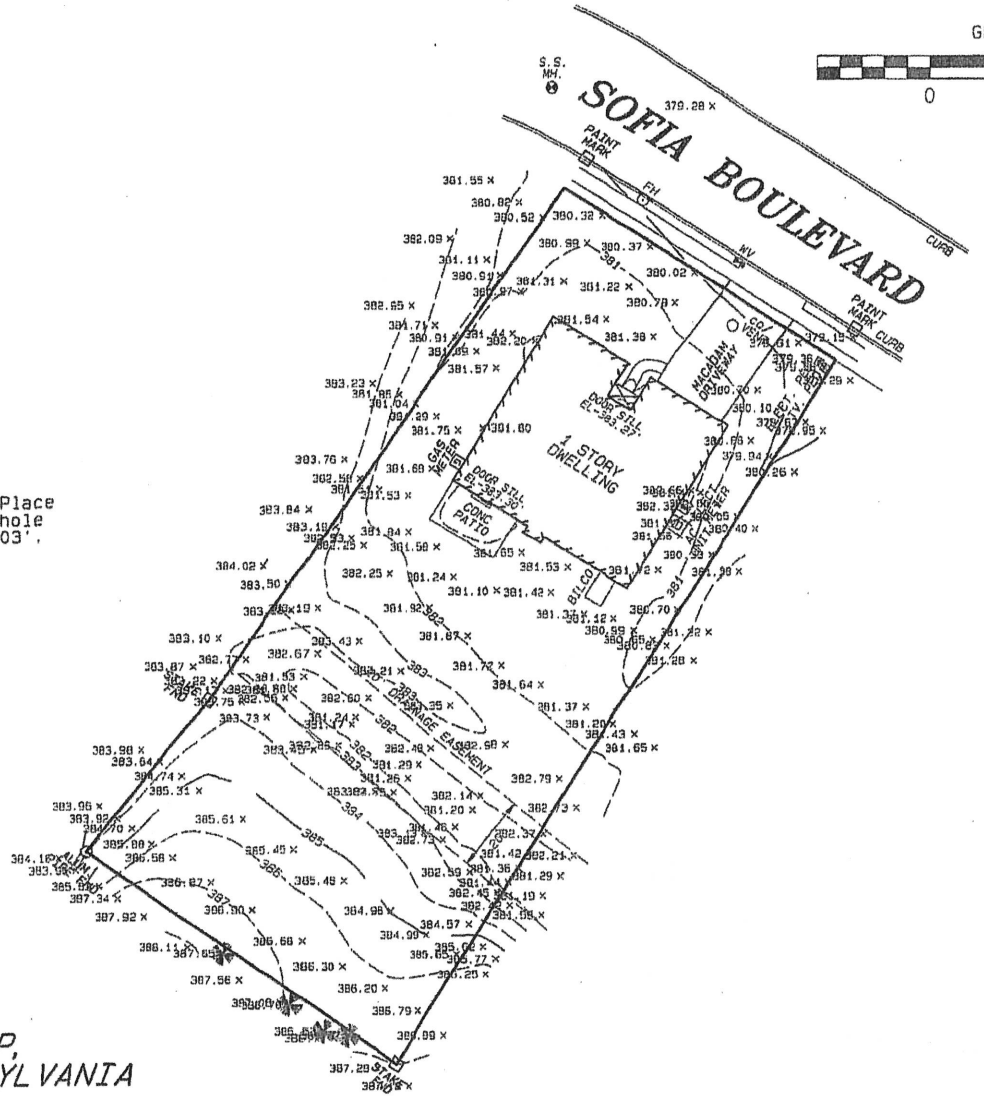
PLAN REFERENCE:
Lot 47
"Melrose Place Subdivision"
P.B.V.303, P.183

TRACT AREA:
19,735 SF (per deed)

CURRENT ZONING:
R2 Moderate Density Residential,
Public Water/Sewer

ELEVATION DATUM:
As per the Asbuilt Plan of Melrose Place Subdivision, the sanitary sewer manhole number six has an elevation of 380.03'.

USERS of this plan are hereby cautioned that improvements may exist that are not shown on this plot plan.



GRAPHIC SCALE 1"=30'

0 30 60 90

-N-

PARTIAL BOUNDARY & TOPOGRAPHIC SURVEY PLOT PLAN

VICTORIA SOLBERG

JOHN W. HOFFERT
Professional Land Surveyor
33 East Lancaster Avenue
Shillington, Penna. 19607
(610) 775-0455

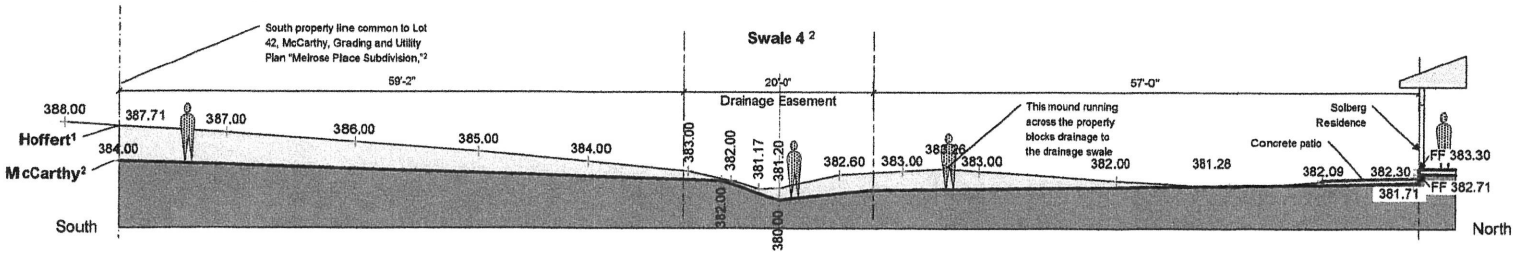
DRAWN	CHECK	REVISED
B.H.H.	J.W.H.	B.H.H. 3/10/17
3/8/17	3/7/17	

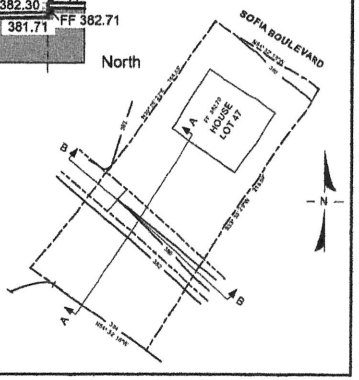
SCALE	LWP	MAP	PLAN NUMBER
1"=30'	54211B	37	B-17-23-E

SITUATE IN :
MAIDENCREEK TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

Solberg Survey Plan

Solberg Residence Topographic Sections
Section A-A From House to Rear of Lot 47





GRAPHIC SCALE 1" = 10'

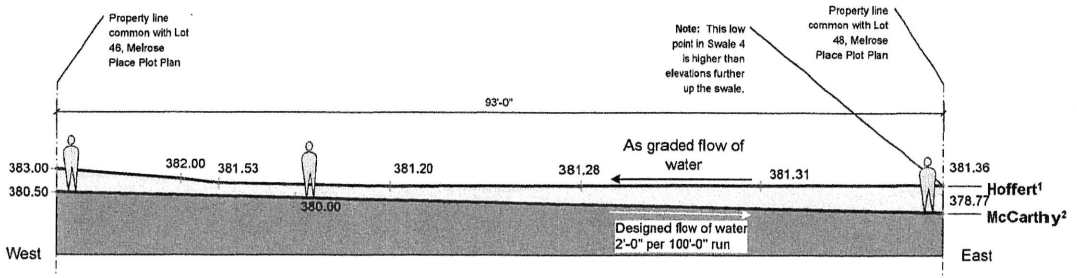
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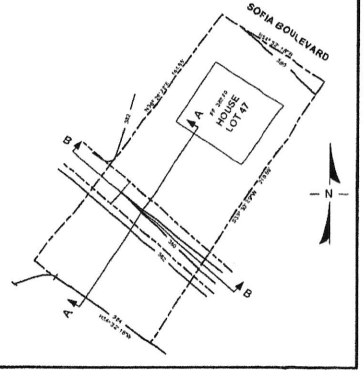
Notes:

1. Hoffert. "Partial Boundry & Topographic Survey Plot Plan Victoria Solberg," John W. Hoffert, P.L.S., Shillington, PA, Plan No. B-17-23-E, Rev. 3/16/17.
2. McCarthy. Grading and Utility Plan "Melrose Place Subdivision," Mc Carthy Engineering Associates, P.C., West Lawn, PA.; Folino Development, MaidencreekTownship, Berks County, PA, November 11, 2004, Rev. 13, 04/07/06.

Rev. April 2, 2017

Solberg Residence Topographic Sections
Section B-B Through Swale 4 (20' Drainage Easement), Lot 47





GRAPHIC SCALE 1" = 10'

0 10 20 30

Notes:

1. Hoffert. "Partial Boundry & Topographic Survey Plot Plan Victoria Solberg," John W. Hoffert, P.L.S., Shillington, PA, Plan No. B-17-23-E, Rev. 3/16/17.
2. McCarthy. Grading and Utility Plan "Melrose Place Subdivision," Mc Carthy Engineering Associates, P.C., West Lawn, PA.; Folino Development, MaidencreekTownship, Berks County, PA, November 11, 2004, Rev. 13, 04/07/06.

Rev. April 2, 2017



cerpt from Grading and Utility Plan "Melrose Place Subdivision", McCarthy Engineering Associates, P.C., Plan No. 04-085-P02, Revision 13 04/07/06