Maidencreek Township Board of Supervisors
May 10, 2018

Attending: Claude Beaver, Joseph Rudderow III, Heidi Fiedler, Eugene Orlando, Jr. – Orlando Law Office, Tom Unger – Systems Design Engineering, Diane Hollenbach – Manager

Guests: Captain J. Cecchini, Vickie Solberg, Francis A. Scott, Daniel Miller, Sr., Tom Gorgia, Cody Rhoads, Kathryn Gabriel, Sandy Gabriel, Mike Gabriel, Jim Courtney, Ken Frye, Joel Herb, Brian Horner

Claude Beaver called the May 10, 2018 meeting of the Board of Supervisors to order at 7:10 p.m. in the Maidencreek Township Building, 1 Quarry Road, Blandon. The Pledge to the Flag was conducted during the public hearing.

MINUTES & FINANCES

Vicky Solberg, 317 Sofia Blvd., Blandon stated that the minutes stated the reason the work had stopped on her property was because of the color of the block wall; however, the reason the work stopped was because they changed the way the agreement was signed.

A motion was made by Joseph Rudderow III to waive the reading of the minutes and approve the minutes for the April 12, 2018 meeting. Claude Beaver seconded the motion and hearing no questions on the motion, it passed with Heidi Fiedler abstaining.

Treasurer's Report and Bill List

A motion was made by Joseph Rudderow III to approve the April 2018 Treasurer's Report and Bill List. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Heidi Fiedler to adopt Resolution 12-2018 accepting the 2018-2019 fuel bids. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously. Ms. Fiedler commented the prices were good, and oil was now $70 a barrel.

PUBLIC COMMENT

Vickie Solberg, 317 Sofia Blvd, Blandon told the Board that the swale on her property is apparently finished and the grass planted. She is not happy with the wall and there continues to be discussions with Folino. Ms. Solberg stated that she does not think anyone from the Township has been to her property to inspect. Tom Unger of Systems Design Engineering, Inc. stated that ordinarily the developer provides the Township an as built plan, and the Township does not take on the cost of surveying.

A motion was made by Joseph Rudderow III to authorize a survey crew to check the Melrose Place swale grading with a cost not to exceed $500. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Mike Gabriel, 106 Timber Drive, Blandon stated he is concerned about the round about in regards to a vehicle's ability to make a left turn, his property value, school buses and oversized vehicles navigating the round about and the bottling of traffic to one lane.

REPORTS

ENGINEER'S REPORT – Tom Unger, P.E., Systems Design Engineering

Subdivision Status Checklist – Tom Unger reported that the Maidencreek Business Park and Berkshire Building were submitted for final plan review. Berkshire Building Services has offered the Township an extension of time for the review period.

A motion was made by Heidi Fiedler to accept the time extension for the Berkshire Building Final Land Development Plan until July 13, 2018. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

2018 Road Work – Mr. Unger reported that the road work contracts are signed and the storm water work on Quarry Road has started. Systems Design Engineering will be issuing the award and notice to proceed to H & K Group Inc.

Dog Park – The Dog Park is staked out and is scheduled to be completed by May 29th.

SOLICITOR'S REPORT – Eugene Orlando, Jr.

Ordinance 245 Burning Ordinance Amendments

A motion was made by Heidi Fiedler to adopt Ordinance 245 amending the Code of Ordinance of Maidencreek Township Chapter 88 entitled Maidencreek Outdoor Burning Ordinance to permit the use of certain outdoor furnaces in the R1 Low Density Residential Zoning District and to prohibit the use of sky lanterns within the Township of Maidencreek. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Ordinance 246 MS4 Steering Committee Ordinance Amendments

A motion was made by Joseph Rudderow III to adopt Ordinance 246 amending the Code of Ordinances of the Township by amending Part I Administrative Legislation, Chapter 16 Intermunicipal Agreements Article IX Berks County Steering Committee to permit the Township's continued participation. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

TreeTops - Attorney James Fegley requested a meeting to discuss revisiting the TreeTops Trust issues of 2012. The Board took no action and suggested this be on the June agenda.

Question from Board Member – Heidi Fiedler questioned Mr. Orlando on an email he had sent to the Board as Attorney-Client privilege asking if the email had been requested. Mr. Orlando

indicated that it had not been requested. He was offering his candid opinion, apologized if he had offended Ms. Fiedler, and stated he had not billed the Township for the email. Ms. Fiedler stated Mr. Orlando was unprofessional by criticizing two Board members and stating that the Township meetings are taken out of control of the board by residents who are not fully informed, He stated that she had an agenda and that she was whipping up the public to come to the Township meetings. Mr. Orlando also praised Mr. Rudderow in the email for making excellent points. Ms. Fiedler stated she was elected to represent the people. For the record she has a meeting set up through Senator Argall's office with Penn DOT on May 17th at the County Building at about 2 o'clock in the afternoon to discuss this round about. Heidi Fiedler asked for the solicitor's resignation. Mr. Orlando stated he served at the pleasure of the Board.

Jim Courtney of 433 Troy Drive, Blandon found the comments insulting and agreed with Supervisor Fiedler.

Tom Gorgia of 307 Monaco Lane, Blandon stated he had been in the round about fight from the beginning and was part of forming the committee of residents to oppose it. He never considered the Board his enemy. He felt the round abouts were an important issue and doesn't want to see it buried. No one is "agendering" him. He does the "agendering."

A motion was made by Heidi Fiedler to hire Fox Rothschild as special counsel for Maidencreek Township. The motion died for a lack of a second. Heidi Fiedler again asked for the solicitor's resignation and a response from Mr. Orlando. Mr. Orlando again stated he serves at the pleasure of the Board and strongly disagreed with her characterization of his email. There were no comments from any other Board members.

MANAGER'S REPORT – Diane Hollenbach

Summer Help – Diane Hollenbach reported that Antonio Rosa was returning for his fourth year as summer help. The rest of last year's helpers were not returning. Keith Shuman, Public Works Foreman, is requesting only one more summer helper at this time. The fourth candidate from last year, Ryan Onimus, is still interested in summer employment with the Township.

A motion was made by Heidi Fiedler to hire Ryan Onimus as Summer Help at a rate of $8 per hour. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Met Ed Easement

A motion was made by Heidi Fiedler to advertise a special meeting for Friday, May 18, 2018 beginning at 10:30 a.m. so the Board can take action on the Met Ed Schaeffer Road Easement. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Heidi Fiedler to authorize the solicitor and engineer to prepare a meets and bounds description for the Met Ed Schaeffer Road Easement. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

BUSINESS

Resolution on Round Abouts – Heidi Fiedler summarized the resolution she was proposing. The resolution agreed with the widening of Route 222 to four lanes, discussed the safety issues, requested a study for zoning and congestion issues and stated Penn DOT should maintain their highway and round about. Claude Beaver stated we don't know if the round abouts will fail to achieve its goal to control congestion or that it will compromise the safety of motorists, bicyclists, horse and buggies and pedestrians as stated in the resolution. He added, regarding the statement in the resolution that there is one access point for Ontelaunee Heights, that the development only has one access point now and the round about may make it easier to navigate during an accident. Mr. Beaver asked why we are asking for Route 222 to be widened to Evansville Road instead of the Kutztown Bypass.

Joseph Rudderow III stated that part of the problem is funding as well as challenges with preserved farmland. Penn DOT must fix the problem with the funding available. He added that much of the content of the resolution was the same as the 2012 resolution. In 2012, the round about concept was unique to us. Mr. Rudderow III suggested waiting for the Route 662 round about to open in July and see how that works then do something if something needs to be done.

Tom Gorgia of 307 Monaco Lane, Blandon suggested a limited access highway on Maidencreek Road. He wanted to see the tractor trailer trucks out of our town. All state roads in Maidencreek are backed up (with traffic) because of Route 222. He added that property values are stagnant.

Joel Herb, 240 W Walnut Tree Drive, Blandon questioned if there will be structures in the middle of the round about.

Claude Beaver agreed that he would be willing to sign a resolution with the revisions suggested this evening after he had a chance to review the final draft. Heidi Fiedler asked that the resolution be added to the meeting Friday, May 18th.

Repairs to Playground Equipment

A motion was made by Joseph Rudderow III to authorize the purchase of parts from Little Tykes to repair the Community Park Playground with the cost not to exceed $3,915.80. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Round About – Additional Comments
Joseph Rudderow III stated that he doesn't know how the Township residents feel about the round about. He asked the Township Manager to look into how to conduct a survey.

Ken Frye, 112 Sandhurst Blvd., Blandon asked about hiring special counsel to do a study on the roundabout.

Executive Session 8:55 p.m. to 9:24 p.m. to discuss litigation.

A motion was made by Heidi Fiedler, seconded by Joseph Rudderow III, to adjourn the May 10, 2018 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:24 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer