Maidencreek Township Board of Supervisors
November 8, 2018 Public Hearing

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

Guests: Cody Rhoads, Captain Jim Cecchini, Frank Klopp, Curt Rhine, Francis Scott, Richard Wick, Tom Psarros, Mason Badertscher, Tracy Badertscher, John C. Kosmerl, Jim Schoellkopf Jr., Dan Miller Sr., Stephen Bensinger, William Colby, David Kostival

Claude Beaver called the November 8, 2018 public hearing to order at 7:00 p.m. in the Maidencreek Township Building, 1 Quarry Road, Blandon and turned the hearing over to the solicitor. Gene Orlando stated the first order of business was the authentication of the Board exhibits.

Board Exhibit B1 is proof of publication of notice of this public hearing which was published in the Reading Eagle on October 23, 2018.

Board Exhibit B2 is a transmittal letter from the Orlando Law Office dated October 22, 2018 evidencing the fact that the full text of the ordinance was sent to the Reading Eagle.

Board Exhibit B3 is a transmittal letter from the Orlando Law Office dated October 22, 2018 evidencing the fact that an attested copy of the ordinance was sent to the Berks County Law Library.

Board Exhibit B4 is a time stamped copy of the ordinance which shows the ordinance was received by the Berks County Law Library on October 24, 2018.

Mr. Orlando stated that this public hearing was convened to solicit public comment or testimony on the adoption of Ordinance 248, an Ordinance of the Township of Maidencreek, Berks County, PA amending the Code of Ordinance of Maidencreek Township by amending Chapter 204 entitled vehicles and traffic, to add stop signs, speed limits and prohibit parking on newly dedicated roadways.

Mr. Orlando stated that this is the time for the members of the public to offer any comment or sworn testimony with regards to this ordinance. There was no comment from the public. The Board did not have comment. Mr. Orlando noted that the regular monthly meeting of the supervisors would convene at the conclusion of the public hearing, and the Board did intend to act to adopt Ordinance 248.

Seeing no further comment, Chairman Beaver adjourned the public hearing at 7:05 p.m.

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Claude Beaver called the November 8, 2018 meeting of the Board of Supervisors to order at 7:05 p.m. in the Maidencreek Township Building, 1 Quarry Road, Blandon and asked everyone to rise for the Pledge to the Flag.

MINUTES & FINANCES

A motion was made by Heidi Fiedler to waive the reading of the minutes and approve the minutes for the October 10, 2018 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 Heidi Fiedler to approve the October 2018 Treasurer's Report and Bill List. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Audit Service – John Kosmerl, the Township CPA, was asked to come to the meeting to explain the opinions in the Township audit and accrual versus cash basis of accounting. Mr. Kosmerl explained the audit process to the Supervisors and that the financial statements are taken from the DCED form. The cash basis of accounting that the Township uses is a widely used alternative and GAAP (Generally Accepted Accounting Principles) is not absolutely required. When GAAP is not used, certain statements are put in the audit letter to alert the reader that GAAP is not used. Mr. Kosmerl explained to be GAAP compliant, the Township would have to switch to the accrual basis of accounting, list the historical values of capital assets such as building, equipment and infrastructure like roads, bridges and sidewalks, then depreciate the capital assets to zero. A full GAAP audit report will be 70 to 100 pages which would be another expense. Heidi Fiedler suggested using a modified cash basis of accounting. Mr. Kosmerl explained that the modified cash basis won't change the opinion in the audit and modified cash is for fixed assets, loans, and payroll tax liabilities. Joseph Rudderow III asked what value changing from the cash basis of accounting would have for the Township and the taxpayer. Mr. Kosmerl did not believe there would be any value and even banks accept the cash basis of accounting. In Mr. Kosmerl's opinion, changing from the cash basis of accounting would be an exercise that has zero effect on the balance sheet.

Captain Cecchini of 432 East Wesner Road, Blandon asked if there were any discrepancies in the Township accounts. Mr. Kosmerl stated no, everything was fine.

Bid Opening – 7:35 p.m. – One bid was received for a storm water easement on Colonial Court. GSP Properties bid $3,000.

A motion was made by Joseph Rudderow III to accept the bid for $3,000 from GSP Properties. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Mason Badertscher, 172 Sandhurst Blvd, Blandon informed the Board that he had completed his Eagle Scout project and restored the kick wall in the Community Park. He thanked the Board for their financial assistance and asked if he could put up a plaque honoring the previous scout who first rehabbed the kick wall. Joseph Rudderow III thanked Mason and commended him on his hard work. The Board agreed to Mr. Badertscher's request for the plaque.

Frank Klopp, 325 Main Street, Blandon asked the status of 320 Main Street. Diane Hollenbach reported a complaint had been received and turned over to the code enforcement officer. A notice of violation was issued.

REPORTS

ENGINEER'S REPORT – Tom Unger, P.E., Systems Design Engineering, Inc.
The GSP Properties Plan requires a time extension if they do not receive approval at this meeting.

GSP Properties - Business Park at Maidencreek Final Plan – Mr. Unger reported that the Business Park at Maidencreek final plan was ready for Board approval with the Board of Supervisors' award of the storm water easement.

A motion was made by Joseph Rudderow III to grant Business Park at Maidencreek Final Plan a waiver from Section 190-15.A of the Maidencreek Township Code of Ordinances waiving the requirement of plan scale 1 inch to equal 50 feet. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Joseph Rudderow III to award GSP Properties the bid for the purchase of the related storm water easement for the Business Park at Maidencreek Final Plan. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Heidi Fiedler to grant final plan approval to the Business Park at Maidencreek Final Plan conditional upon payment of all outstanding fees and compliance with the comments in the July 6, 2018 Systems Design Engineering, Inc. review letter which are

incorporated by reference. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Messinger Annexation Plan

A motion was made by Joseph Rudderow III to grant to the Messinger Annexation Plan a waiver to Section 190-17A. (10) of the Code of Maidencreek Township to not require existing utilities on the plan. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Joseph Rudderow III to grant to the Messinger Annexation Plan a waiver to Section 190-36 of the Code of Maidencreek Township to not require monuments and accept a steel pin at one corner of the property and markers along the new property line. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Joseph Rudderow III to grant conditional final plan approval to the Messinger Annexation Plan conditioned upon satisfaction of the October 31, 2018 Systems Design Engineering, Inc. review letter, which is incorporated by reference and submittal of deeds for simultaneous recording with the plan. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

2018 Road Work – Tom Unger reported that the road work and parking lot were completed. Mr. Rudderow III asked if the work was inspected. Mr. Unger stated that it was, and the job came in under bid.

A motion was made by Joseph Rudderow III to approve payment application #1 to H & K Group in the amount of $301,415.08. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Meadowbrook Sinkhole Repair – Mr. Unger stated that it has been difficult to get a contractor to bid on the sinkhole repair because the rain has delayed many jobs, and contractors do not have room in their schedules. The quote, when one is received, will be based upon time and material.

Letter of Credit/Escrow Release Letters

A motion was made by Heidi Fiedler to authorize the Chairman to sign the Letter of Credit release letters for Melrose Place in the amount of $3,615.11. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried. The Homeowners Association once created should look at the improvements they will be asked to maintain prior to full release of the letter of credit.

Schaeffer Road Bridge Update – Diane Hollenbach updated the Board on the schedule. At the next meeting, a timeline will be handed out. Many parts of the bridge are precast and will be brought to the site after Thanksgiving. The contractor is doing cold weather pouring on the concrete. The Township is supplying water from a hydrant for the curing process. The bridge

opening will depend on when the blacktop plants close. It is possible the bridge won't be open until March.

East Wesner Road Storm Water - Captain Cecchini of 432 E Wesner Road brought to the Boards' attention a storm water problem he has with storm water washing over his driveway and flooding neighboring homes. He suggested the storm water discharge area be trenched and a pipe installed.

NPDES Permit Update – Mr. Unger reported that Mark Kitzmiller and Diane Hollenbach met with the Pennsylvania Department of Environmental Protection regarding the comments on the TMDL Plan and PRP plan. It was a very good meeting. Some comments on the letter go away. All other items are minor and can be addressed. A revised plan will be presented to the Board in December. PA DEP agreed that they can be flexible and give the Township time to get the 30-day comment period advertised and would expect the plan resubmitted early in 2019.

Willow Creek Project – Diane Hollenbach stated that as part of the meeting with the PA DEP, she discussed the Willow Creek Project that has been proposed. The Berks Conservation District and Berks Nature met with SDE and Keith Shuman and looked at the Willow Creek from East Wesner Road to W Walnut Tree Drive. There is erosion, the worst being at the bridge. Larry Lloyd of Berks Nature discussed the potential project with PA Fish Commission who agreed to help plan the project. Berks Nature would assist in grant applications. The Township will need easements for access because the stream is on private property at places. The Board was asked to provide direction on how they want the staff to move forward.

Joseph Rudderow III asked whose land we were discussing. Mrs. Hollenbach stated the worst areas are on the Garcia property. The stream is widening and sediment is accumulating at the culvert again. Heidi Fiedler stated the creek is shifting away from the bridge. Mr. Rudderow III stated that this is a private property issue. Mrs. Hollenbach added that this problem could undermine the W Walnut Tree Drive bridge, and because it is a twenty-foot long bridge it will be inspected by Penn DOT. The property owner could be asked to sign an easement agreement or donate the land to the Township. Claude Beaver asked to see the cost of the project and Joseph Rudderow III asked to see the scope of the project. Heidi Fiedler stated that this is an MS4 situation along East Wesner Road that discharges directly to a stream. The stream is eroding and causing a tide pool, a shift in the stream and sedimentation. It could be undermining our bridge as well. Berks Nature provided a lot of different options, and it benefits our MS4 program. Ms. Fiedler added that Berks Nature is willing to help us get grants to help with the cost.

Mr. Rudderow III stated that in the past it made sense to do the project along the Willow Creek because we were maintaining that area and owned that area and now, we don't have the legacy cost of mowing along the stream. He agreed we can look at options, but he will struggle with a

project that costs the tax payers to do work on private property. We do not want government enhancing private property. The Board agreed that contact could be made with the property owner to discuss donation of the land.

SOLICITOR'S REPORT – Eugene Orlando, Jr.

Ordinance 238 – Amendments to the Traffic Ordinance

A motion was made by Heidi Fiedler to adopt Ordinance 248 Amendments to the Traffic Ordinance. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

12 Chestnut Street Storm Water Easement – A temporary construction easement had been requested from the property owner of 12 Chestnut Street in order to vacuum an underground storm water channel in May of 2014. The property owner has reinitiated the discussion by having his attorney contact Mr. Orlando.

A motion was made by Joseph Rudderow III to authorize the Township Solicitor to contact Attorney Valeriano to discuss the terms of an agreement.

Heidi Fiedler questioned why Mr. Rudderow III wanted the Township working on private property when before in the meeting he was against it. Mr. Rudderow III stated that the issue was with an underground stream that is causing flooding problems in neighbors' homes. Ms. Fiedler asked what the plan was to correct the situation. Diane Hollenbach stated that the Board had intended to hire a vac truck to suck the concrete and debris out of the underground channel through a manhole on 12 Chestnut Street. Tom Unger suggested that what the Township plans to do be built into the agreement. Mr. Beaver agreed that the Township does not want to be responsible for ongoing stream maintenance. Mr. Rudderow III rescinded his motion.

A motion was made by Heidi Fiedler to authorize the Township Solicitor and Township Engineer to draft an agreement that allow for a temporary construction easement and allow Township personnel to enter the property to inspect the problems at 12 Chestnut Street, Blandon and if authorized by the Board to do the prescribed work. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Berkshire Builders DIA – Mr. Orlando reported that the Developers Improvement Agreement is with the developer for signature.

232 W Walnut Tree Drive – The District Justice's judgement was appealed, and the Township filed the required complaint with the court hearing the appeal.

269 Spirit Court, Blandon – A notice of violation was issued by the zoning officer to the property upon consultation with the solicitor.

MANAGER'S REPORT – Diane Hollenbach

2019 Budget Meeting – Diane Hollenbach reported that the 2019 budget included a recycling grant for the purchase of a leaf vac. Claude Beaver stated that the 2019 Budget was a no tax increase budget. Heid Fiedler suggested a budget meeting be held for public input. Joseph Rudderow III added that the budget contains a return of $47,500 for the police department. He added that Maidencreek Township is the largest township with this low of a tax millage.

A motion was made by Heidi Fiedler to authorize the Manager to advertise a special budget meeting on November 29, 2018 beginning at 7 p.m. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

2018 Audit – Heidi Fiedler suggested changing auditors every so many years. This would give the Township a different viewpoint. Joseph Rudderow III stated that Kosmerl & Co. has the experience with our audit and have been doing the audit for ten plus years. Kosmerl was also the lowest quote for the service.

A motion was made by Joseph Rudderow III to authorize the chairman to sign the audit engagement letter for Kosmerl & Company for the 2018 Audit. Claude Beaver seconded the motion. Hearing no questions on the motion, Joseph Rudderow III and Claude Beaver voted, "Aye." Heidi Fiedler voted, "Nay." Motion carried.

BUSINESS

Recycling Contract

A motion was made by Heidi Fiedler to authorize the Chairman to sign the Recycling Contract for 2019 and 2020. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Reorganization Meeting

A motion was made by Heidi Fiedler to authorize the Manager to advertise the Township Annual Reorganization Meeting for January 7, 2019 beginning at 9 a.m. Joseph Rudderow III seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Comments from the Board – Joseph Rudderow III commended the Blandon Volunteer Fire Company for their dedication. According to the October report twenty-four volunteers completed 186.3 hours of training. Mr. Rudderow III stated this dedication needs to be recognized and is greatly appreciated. The fire company is a volunteer organization that depends in part on donations and fundraisers for support. Captain Cecchini suggested the Board give a citation or certificate or recognition on the website.

A motion was made by Joseph Rudderow III, seconded by Heidi Fiedler, to adjourn the November 8, 2018 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 8:45 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer