Maidencreek Township Board of Supervisors
June 13, 2019

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

Guests: Jane Weir, Jan Weaver, Vicki Harkin, John Fielding, Dawn Stufflet, Henry Stufflet, Heather Schoener, James Fegley, Matt Reed, Jonathan Gruber, Sallie Hackman, Jeff Futchko, Janet Surmick, Andy Surmick, Roger Anderson, Eugene Richard, Mary Richard, Eduardo Dulanto, Debra Zuchowski, Mike Shirk, Wieslaw Maryniak, Donna Culp, Cody Rhoads, Brian Horner, Gary Hadden, Jim Schoellkopf Jr., Daniel Miller Jr., Keith Shuman, Mike Cleary

Claude Beaver called the June 13, 2019 meeting of the Board of Supervisors to order at 7:00 p.m. in the Maidencreek Township Building, 1 Quarry Road, Blandon and asked everyone to rise for the Pledge to the Flag.

MINUTES & FINANCES

Minutes

A motion was made by Heidi Fiedler to waive the reading of the minutes and approve the minutes for the May 9, 2019 regular meeting. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Mr. Beaver announced that an executive session was held on May 30, 2019 for potential litigation.

Treasurer's Report and Bill List

A motion was made by Joseph Rudderow III to approve the May 2019 Treasurer's Report and Bill List. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

James Fegley, Cultura Law regarding Treetops Trust – Mr. Fegley explained the homeowners met in December to discuss forming a home owners association. Approximately fifty people attended. Questions from the meeting were submitted to the township and Diane Hollenbach responded to those questions. There are $37,493 in unpaid fees and 77 of 122 homeowners have outstanding fees. 30 of those owe just one year. Mr. Fegley continued that a title search was performed on all deeds and only 78 have language in the deed regarding responsibility for the drainage system in the subdivision and 44 of the homeowners are not legally obligated. Some homeowners who are not legally obligated have been paying the yearly fee all along.

Eduardo Dulanto of 309 Sycamore, Blandon stated that he does not see the value of paying dues. The trees are not maintained and the grass is not mowed with any frequency.

Jan Weaver of 238 Callery Drive, Blandon stated the homeowners were promised snow removal from the developer but never saw that.

Jon Gruber of 412 Acre Drive, Blandon stated that for the first ten to eleven years there was no Trust, no payments and then the township sent a letter organizing the Trust and the fees started. The homeowners do not want to form a home owners association and be responsible for collecting delinquent fees from their neighbors.

Supervisor Joseph Rudderow III explained to the audience how the detention basin was sold at tax upset sale and how the township wanted to make sure the detention basin remained part of the drainage system. Mr. Rudderow added that the township wanted to allow the people of the development to set up the home owners association to suit their needs.

John Fielding, Trustee of the Treetops Trust stated that the Trust covers only the detention basin and it is taken care of and functions. The annual fee covers the cost of mowing, snow removal from the sidewalk around the basin, insurance, taxes and the accounting firm to collect the fee. In 2015, Mr. Fielding met with homeowners and they were concerned about whether or not the basin functioned. Hiring an expert to inspect the basin had been discussed. The homeowners want the township to take over the detention basin and its maintenance. Annual maintenance costs are about $2,873.

Mike Cleary of 213 Callery Drive, Blandon stated that some sections of the basin are not getting cut. Mr. Cleary does some of the maintenance of the basin and commented that Mr. Fielding does not respond to his email. Snow removal is not done and the banks of the basin are steep and dangerous.

Andrew Surmick of 440 Acer Drive, Blandon stated that he was not told of the Trust when he purchased the property from Glenn Reed. He found out when he got the first bill.

Eduardo Dulanto of 309 Sycamore, Blandon asked what it would take to discuss the township taking ownership, establish a requirement to lower the cost, and guidelines for the condition of the basin. Joseph Rudderow III responded that for him, everyone in the development needs to be current on the fees in fairness to those that already paid. Mr. Rudderow added that he has a better understanding of how the homeowners are affected. Heidi Fiedler stated there are ten privately maintained basins in the township and private ownership of detention facilities has been the township's practice. Mr. Fielding commented that it is difficult to talk to people about being current with their fees when their deed says they do not owe. It is an impossible task.

Joe Koehler, 420 Acer Drive, Blandon stated that he purchased his home in January of 2018. He received a bill in January of 2019 showing seven years of past due bills. He tried reaching out to

the Trustee several times and heard about the meeting 2 ½ hours ago. Mr. Koehler asked who he contacts about graffiti on the Acer Drive playground. Brian Horner, chief of police, stated residents should call the police.

Mr. Fegley closed out the comments on Treetops stating that he will discuss the feedback from tonight with the Trustee and circle back to the township in the future.

Debra Zuchowski, 269 Spirit Court, Blandon requested the Board of Supervisors grant her an easement for a shed built on township property. This was rejected and she now requested to purchase the property from the township. Mrs. Zuchowski stated that she is willing to absorb 100% of the cost. She stated that she has been maintaining the area since 1997. The area is landlocked and the township does not maintain it.

REPORTS

ENGINEER'S REPORT

2019 Street Projects – Diane Hollenbach reported that a preconstruction meeting would be held Wednesday, June 19th.

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 $1,297.18 and Berkshire Building Services in the amount of $755.04. Joseph Rudderow III seconded the motion and hearing no questions on the motion, all members voted, "Aye." Motion carried.

SOLICITOR'S REPORT – Eugene Orlando, Jr.

269 Spirit Court, Blandon - Mr. Orlando reported he had been directed to communicate with the homeowner's attorney and received no response. The Board may discuss the matter further in executive session.

Farm 4 Letter of Credit – Farm 4 was an approved land development plan from 2005 but was never started. The Township is holding $164,472.78 in a letter of credit. Diane Hollenbach brought this to the developer's attention and they have requested the letter of credit be released since the project is not going to be built.

A motion was made by Heidi Fiedler, upon the advice of the solicitor, to authorize the township solicitor to eliminate the land development plan by recording a revised plan of record showing the existing conditions and recording an agreement that terminates the land development plan and improvements agreement. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Treetops Trust

A motion was made by Heidi Fiedler to authorize the solicitor to investigate legal questions regarding the Treetops Trust. Joseph Rudderow III seconded the motion and hearing no questions on the motion, all members voted, "Aye." Motion carried.

MANAGER'S REPORT – Diane Hollenbach

Schuylkill River Greenways Grant ($4000)

A motion was made by Heidi Fiedler to authorize the township manager to sign the Schuylkill River Greenways Grant agreement. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously. The grant will be used for the purchase of wetland open space on W Walnut Tree Drive.

Business Park at Maidencreek – The Board heard a request on behalf of the developer of the Business Park at Maidencreek for a reduction in the permit fees. Eighty-five percent of the permit fee goes to Great Valley Consultants for inspections and fifteen percent comes to the Township for administration. The Board cannot waive the fees it must pay to Great Valley.

Recording Secretary for Board of Supervisors

A motion was made by Joseph Rudderow III to hire Julie Mull as Board of Supervisors Recording Secretary at a rate of $150 per meeting. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Park and Recreation Board Member Resignation

A motion was made by Joseph Rudderow III to accept the resignations of Hether Quillman and Rebecca Miller from the Park and Recreation Board effective immediately. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

ROAD CREW REPORT

Summer Employee

A motion was made by Joseph Rudderow III to set the rate for summer employees at $10 per hour. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously. Mr. Rudderow III stated that it is important to attract qualified people.

A motion was made by Heidi Fiedler to hire Owen Wolfe as a temporary summer employee. Joseph Rudderow III seconded the motion and asked who would be supervising the employee since Owen's father works for the township. Diane Hollenbach stated that Keith Shuman will supervise Owen Wolfe and Tim Mills will be with the summer help in the field. Hearing no further questions on the motion, it passed unanimously.

Line Striping

A motion was made by Joseph Rudderow III through the Berks County Cooperative Purchasing Council to contract with A-1 Traffic Control Products in the amount of $13,735.61. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

ZONING REPORT

106 Koller Road – The Board deferred action at this time based on reports that the property may be going to sheriff sale. Claude Beaver asked that the stones washing onto the road continue to be swept up.

PARK AND RECREATION

Ontelaunee Heights – The Board of Supervisors asked that Keith Shuman look at the sinkholes and determine if they have stabilized or are growing. They also asked if Park and Recreation could tell them what type and height of fence they are considering. Claude Beaver suggested the playground be shifted to the left of the ball field.

Hometown Heroes

A motion was made by Joseph Rudderow III to authorize the manager to sign the Met Ed agreement for Hometown Heroes conditioned upon the review of the solicitor. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

National Night Out

A motion was made by Joseph Rudderow III to approve the Park and Recreation Board participating in National Night Out with a budget of $500. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

BUSINESS

Sale of Spreader – The reserve price was not met. The Board agreed to wait until closer to winter to sell the unit.

Health Insurance

A motion was made by Joseph Rudderow III to authorize the manager to sign the enrollment paperwork for Delaware Valley Health Trust Option 1. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Fireworks Ordinance

A motion was made by Heidi Fiedler to authorize the solicitor to review and modify the draft firework ordinance. Joseph Rudderow III seconded the motion and hearing no questions on

the motion, all members voted, "Aye." Motion carried. The ordinance brings the Township into compliance with the legislation passed last year by the State Legislature.

A motion was made by Joseph Rudderow III to add an article to the township summer newsletter about firework rules for homeowners. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Resolution 16-2019 Dog Park Regulations

A motion was made by Joseph Rudderow III to adopt Resolution 16-2019 a resolution of the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, regulating the use of and activities at the Maidencreek Township Dog Park. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Resolution Regarding HB349 – The Board did not adopt the resolution opposing HB 349 which requires a township to have two code officials to inspect structures under the Uniform Construction Code. PSATS is neutral on the bill.

Executive session was held from 8:45 to 9:17 p.m. on litigation.

A motion was made by Heidi Fiedler to authorize the enforcement action and move forward with the Zoning Hearing Board hearing for 269 Spirit Court, Blandon. Claude Beaver seconded the motion and hearing no questions on the motion, Claude Beaver and Heidi Fiedler voted, "Aye." Joseph Rudderow III voted, "Nay." Motion carried.

A motion was made by Heidi Fiedler to authorize the Code Enforcement Officer to proceed with enforcement notices for the properties the Board became aware of who are using township open space for private structures. 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 notification by letter to Leesport Borough and Ontelaunee Township of percentages in the Northern Berks Regional Police Charter addendum and Maidencreek Township's intention to follow them in the next fiscal year. Joseph Rudderow III seconded the motion and hearing no questions on the motion, all members voted, "Aye." Motion carried.

A motion was made by Joseph Rudderow III, seconded by Heidi Fiedler, to adjourn the June 13, 2019 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:22 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer