Maidencreek Township Board of Supervisors
July 9, 2020

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

Guests: Keith Shuman,
via Zoom – Scott Zimmerman, Deb Didyoung, Amanda Hernandez, Kim Berger, Ruth Manmiller, Heather Schoener, Jeremy Schoener, Brian Wise, Michele Bement, Steve Lutz, Kelly Kline, Eric Bauman, Mark S., Katelyn Gruber, Peter

Heidi Fiedler called the July 9, 2020 regular 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 Claude Beaver to waive the reading of the minutes and approve the minutes for the June 11, 2020 regular meeting. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by Claude Beaver to approve the June 2020 Treasurer's Report and Bill List. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Scott Zimmerman of 262 W Walnut Tree Drive, Blandon told the Board that he was a twenty-year resident of Maidencreek Township and believes that Heidi Fiedler's complaints about his property are frivolous and wasting taxpayer money. Mr. Zimmerman felt that Ms. Fiedler was using her position on the board against him. He added that she looked for other properties for him to build on unsolicited prior to him building his home behind her property. Mr. Zimmerman questioned whether Ms. Fiedler had an Erosion and Sedimentation Plan for her fence project to which Ms. Fiedler responded that it was addressed with the engineer. She also stated that Mr. Zimmerman was cited for numerous violations by the Conservation District and Township Engineer.

Heather Schoener of 431 Acer Drive, Blandon expressed concerns about the delay in adopting the police budget and urged the Board to adopt Budget C. Mrs. Schoener was also concerned about Maidencreek Township having to fund a police department on their own.

ENGINEER

Violation Notice 262 W Walnut Tree Drive – Mr. Unger is working with the homeowner to bring the property rain gardens and storm water into compliance.

Road Work – The Notice to Proceed will be issued and the work estimated to be completed in late July or August.

Walnut Manor – Lutz Property – Mr. Unger reviewed the plan and there are no storm water easements and no plan notes. The Golden Manor III Home Owners Association is responsible for the basin in swales in Golden Manor III Plan but doesn't include this discharge point. Mr. Unger stated that about fifty feet of silt should be removed. Gene Orlando explained "the creation of rights to drain" to the Board. There are numerous case laws on water and if the natural flow of water effects a property, that property owner has the right to preserve and protect their property but is also responsible for harm caused to another. Mr. Orlando could investigate if there is an easement by implication of ownership. Heidi Fiedler asked what the cost was to just do the work and what the cost would be for further investigation.

A motion was made by Heidi Fiedler to authorize the solicitor to write a temporary construction easement, so as not to set a precedence, to remove fifty feet of silt at the stormwater discharge point at 428 East Wesner Road. The motion died for a lack of a second.

James Patterson of 93 Spirit Court, Blandon commented on the massive amount of water and erosion of land that his property sees. He did not believe that this work at 428 East Wesner would help his problem. He also felt that the Willow Creek was flooding more often and further into his yard than before. Tom Unger explained that three areas along the Willow Creek were identified where blockages had formed. The properties are in a flood plain and will flood from time to time. Keith Shuman felt that the work would be in the schedule in the next two weeks.

Steven Lutz of 428 East Wesner Road, Blandon told the Supervisors that the Township had approved the plans and he thought it was unreasonable to expect the property owner to maintain the drainage from over one hundred homes. He sees it as the Township's responsibility. The Township had dug out the mouth of the pipe in the right of way before and installed large rock. David Franke stated that the Township could be looking at doing this work every ten years and asked Mr. Shuman if the road crew cleans out anywhere else. Mr. Shuman stated that they do not.

A motion was made by Claude Beaver to authorize the Solicitor to look at implied responsibility and the Manager to review the history in the minutes. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously. Mr. Orlando requested that Mr. Unger send him the plan references.

Escrow and Letter of Credit Releases

A motion was made by Claude Beaver to authorize the manager to sign the GSP Properties Letter of Credit/ Escrow Release Letter for $426.26. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

SOLICITOR

Maidencreek Township Authority - Mr. Orlando distributed the codified draft ordinance amending the Maidencreek Township Authority's Articles of Incorporation. No action can be taken until the Authority adopts a resolution. Mr. Orlando discovered that the Water Authority was merged into the Maidencreek Township Authority but still appears in the Township Code of Ordinances. This should be cleaned up when the Articles of Incorporation are adopted.

Cooperation Resolution with Fleetwood Borough - Mr. Orlando does not have all the information at this time.

Backyard Chickens and Traffic Ordinance – no action.

MANAGER

Zoning Hearing Board Alternate

A motion was made by Heidi Fiedler to adopt Resolution 17-2020 appointing Joseph Rudderow III as Zoning Hearing Board alternate with a term ending December 31, 2022. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously. Diane Hollenbach informed the Board that the Zoning Hearing Board would meet on August 4th at 6:30 for a variance and special exception application for Redner's Quick Shop and Car Wash.

Storm Water Pipe 315 East Wesner Road – The storm water pipe under East Wesner Road at 315 East Wesner was televised and found to be collapsed at seventeen feet and not connected to the junction box.

A motion was made by Claude Beaver to authorize the engineer to obtain three quotes for the repair of the storm water pipe under the road at 315 East Wesner Road. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Storm Water Run Off 106 Koller Road – During heavy rain events, the driveway at 106 Koller Road washes onto Koller Road making one lane impassable.

A motion was made by Claude Beaver to authorize the Engineer and Solicitor to review the ordinances that are applicable and possible enforcement measures for the storm water problem at the driveway of 106 Koller Road, Shoemakersville. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Chestnut Street Railroad Crossing – This crossing will be closed another week.

BUSINESS

Windy Acres Produce – The owners of Windy Acres Produce have asked to install a sign in the Community Park advertising their produce stand on Hill Road. The Township Zoning Ordinance allows signs advertising a business to be placed only on the property where the business is located. The Township has a sign where they allow community events to be advertised and the Supervisors were willing to allow Windy Acres an opportunity to use the sign when no events are being advertised.

Century Link Communications – Tom Unger reported that Century Link Communication is applying for a General Permit to install two 2-inch conduits for fiber optic line within the railroad right of way. The project begins at the City of Reading and ends at the Lehigh County line. The Township may submit written comment. The Board agreed that all road crossings should be bored. Mr. Unger will meet with Mrs. Hollenbach and address the paperwork.

Melrose Place – The developer of Melrose Place is applying for a renewal of the development's NPDES permit for the seven unfinished lot. This continues to be a PA Department of Environmental Protection issue since the permit was allowed to expire and the development is out of compliance with their Corrective Action Plan.

Police Budget 2020 – Diane Hollenbach explained the possible savings that could be achieved in the 2020 Police Budget due the Department not replacing Sgt. Mohl and not hiring two officers. Ontelaunee Township and Leesport Borough have agreed to adopt Budget C. Mrs. Hollenbach cautioned that revenues are uncertain due to the economic crisis created by Covid 19 and if Maidencreek Township adopts budget C, they will have to take money out of the reserves to cover the cost if revenues fall short. If the Board wishes to adopt Budget C, Mrs. Hollenbach requested that money not spent go back to the municipalities at the end of the year. February will be a very tight month money wise.

David Franke stated that the other municipalities have already adopted the C budget and Maidencreek should as well but ask the other municipalities for consideration of the salary savings. Heidi Fiedler stated that the Commission does have a budget in place, the 2019 budget of which only 44.2% has been spent to date. Claude Beaver asked that the Commission be presented with the possibility of savings, ask for cooperation but agreed with Mr. Franke that a budget needs to be passed.

A motion was made by Heidi Fiedler to adopt a budget in the amount of $2,718,606. Claude Beaver stated that including these savings in the Police Commission budget is not our decision but we can ask the Commission to consider the savings. The motion died for a lack of a second.

A motion was made by David Franke to propose Budget C to the Commission as Maidencreek Township. Claude Beaver seconded the motion. Discussion on the motion: Heidi Fiedler asked what the dollar amount is. David Franke stated he believed the budget is $2,002, 768.85. The Board asked what Maidencreek Township's monthly payment would be. Diane Hollenbach was not sure of the Budget C number as it had been several months and there were several budgets. She believed the number was $2,783,317.57 with a monthly payment of $110,174.99 but because she was no longer on the Commission, she was not always up to date on what was happening. Mrs. Hollenbach commented that if that isn't the exact number, please don't say you can not vote for it because it isn't the exact number, have a discussion and come to a resolution. All members voted, "Aye." Motion carried. Heidi Fiedler announced that we now have a budget for the Police Commission.

Michele Bement, 123 Village Drive, Blandon commented that she was extremely disappointed that it took seven months to get a budget. Heidi Fiedler responded that all the Commission's bills were paid and the Commission was operating under the 2019 budget.

A motion was made by David Franke, seconded by Claude Beaver, to adjourn the July 9, 2020 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 8:34 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer