Maidencreek Township Board of Supervisors
August 13, 2020

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

Guests: Scott Zimmerman, Deb Didyoung, Kim Berger, Heather Schoener, Jeremy Schoener, Michele Bement, Steve Lutz, Eric Bauman, Katelyn Gruber, LG Aristo, James Patterson, Yvonne Scalese, Terri Myers, Mark Coutts, Jim Schoellkopf, Jr., Robert Mitchell, Heidi Luckenbill, Robert McDonough, Corey Mutter, Todd Becker, Earl Hemmig, Gary Plummer, Martha Bergman, Melissa Burkhart, Jay Brey, Robert Wood, Rachel Hall, Carol Ann Donahoe, Sean Heckman, Rich Wick, Sal Folino, Ryan Crampsie, Kyle Hawver, Lori Hershberger, Dennis Patten, Keith Shuman

Heidi Fiedler called the August 13, 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 Heidi Fiedler to waive the reading of the minutes and approve the minutes for the July 9, 2020 regular meeting with the following correction to page 1 "She also stated that Mr. Zimmerman was cited for numerous violations by the Conservation District and Township Engineer." And to page 5 "David Franke clarified his motion was for $2,783,217 police budget." Heidi Fiedler stated that she wanted the minutes to accurately reflect the meeting. David Franke disagreed with the second addition and recalled voting for Budget C. Claude Beaver stated that is what he seconded, Budget C.

Heidi Fiedler amended her motion to approve the July 9, 2020 minutes with only the correction to page 1. David Franke did not recall Mr. Zimmerman being cited. Heidi Fiedler replied that it was what she actually stated. David Franke questioned whether minutes should be verbatim. Diane Hollenbach stated that minutes were a synopsis of the meeting and a transcript was verbatim, but it is up to the Board of Supervisors what they wish to include in the minutes. David Franke seconded the amended 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 July 2020 Treasurer's Report and Bill List. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

ENGINEER

Subdivision and Land Development Plan Time Extensions

Jojaz Preliminary/Final Land Development Plan

A motion was made by Claude Beaver to accept the developer's request for a time extension for the review of the Jojaz Subdivision Preliminary/Final Plan until November 30, 2020. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Redner's Quick Shop and Car Wash Preliminary Land Development Plan

A motion was made by Claude Beaver to accept the developer's request for a time extension for the review of the Redner's Quick Shop and Car Wash Preliminary Land Development Plan until December 1, 2020. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Kopfer Subdivision Plan

A motion was made by Claude Beaver to accept the developer's request for a time extension for the review of the Kopfer Subdivision Plan until December 1, 2020. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Road Work – A preconstruction meeting was held and road work is scheduled to begin the week of August 17th beginning with the cold in place recycling by Recon on Excelsior Drive and June Avenue. The road will not be closed during the work since it is the only access to the Industrial Park.

Storm Damage and Detention Basin Inspections – Mr. Unger made several inspections of storm damage. Based on inspections, he would like permission to annually inspect the privately owned detention basins and send letters to the owners regarding maintenance issues. The large amount of water was an issue last week but basins also malfunctioned due to clogging and lack of proper maintenance. The Board authorized the inspection of private basins.

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 $247,794.00. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

SOLICITOR

Maidencreek Township Authority - Mr. Orlando reached out to the Authority's solicitor regarding the draft ordinance but did not hear from him yet. Mr. Orlando will follow up.

Cooperation Resolution with Fleetwood Borough - Mr. Orlando distributed a draft agreement for the Boards' review to share equipment and labor between Fleetwood Borough and Maidencreek Township. The agreement is broad in scope.

Draft Traffic Ordinance

A motion was made by David Franke to authorize the solicitor to advertise a public hearing for the adoption of the traffic ordinance on September 10, 2020 at 7 p.m. Claude Beaver seconded the motion and hearing no questions on the motion it passed unanimously.

428 E Wesner Road – Mr. Orlando reported that the research on the property is not quite finished but he will have information for the next meeting.

106 Koller Road – Mr. Orlando stated that the Township could cite the property owners under the Property Maintenance Code and Chapter 186 Streets and Sidewalks of the Code of Ordinances. The ordinance provides provisions that require notice and time to react for the property owner. The Township could then do the work and collect the fee from the property owner. Mr. Orlando and Mr. Unger advised that a meeting should be held with the property owner and the township.

A motion was made by David Franke to authorize the issuance of a property maintenance notice of violation and authorize the engineer to prepare a letter under Chapter 186 to the property owner for the Board's review detailing the situation. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

428 East Wesner Road, Blandon – David Franke stated he was out to review the situation at the Lutz property during the storm. He spoke with the property owner and the storm helped to clean out some of the drain. The 12 inches of rain in 72 hours was a catastrophic amount.

Mr. Lutz of 428 East Wesner Road stated that his issue is twofold – maintenance and design. The design is not the best design. The rocks build up the silt and debris in a smaller storm. Mr. Lutz believes that the area needs to be cleaned out and graded to go to the creek so there is a constant flow. Mr. Lutz stated this is more than he as the homeowner can address.

Heidi Fiedler observed that half the sedimentation is still in there and sink holes are forming around the headwall. She mentioned the storm grate two houses away that was forced off by the hydrostatic pressure of the water.

Heidi Fielder made a motion to authorize the engineer to look at 428 E Wesner from an engineering standpoint as well as an inspection and come up with a plan in conjunction with the storm water basins he is already inspecting on behalf of the township.

Teri Myers of 49 Spirit Court did not want a motion to be made without including Spirit Court flooding.

Claude Beaver stated that the solicitor is still looking into 428 E Wesner Road. David Franke clarified with Keith Shuman that only one grate was pushed off of a drain and was a result of the unusually high amount of rain. Mr. Shuman confirmed this. Mr. Beaver added that a forty-eight-inch pipe was not going to handle the amount of rain we received. Heidi Fiedler stated that these storms are occurring with more frequency and she does not want to see bigger maintenance and liability issues in the future. Mr. Franke stated that if the Township authorized someone to look at the issue on private property, the cost of repair maintenance could be put on Mr. Lutz under the property maintenance code. Heidi Fiedler stated that she believed there were repairs needed in the township right of way to fix erosion and sinkholes at the headwall, and the right of way was the Township's responsibility. Tom Unger confirmed that the township right of way is 26.5 feet from the center line of the road.

Mr. Lutz stated that it was difficult to believe that he is responsible for maintenance of the area into which the storm water from the developments above his home drains. David Franke stated that the solicitor is looking into if anyone else is responsible as well, and the investigation is not complete yet. Mr. Franke stated that he is not sure that any decision the Board makes won't affect Mr. Lutz adversely. Mr. Lutz asked who maintains the swale along Park Road at Spirit Court. Diane Hollenbach stated that the First National Bank of Fleetwood maintains the swale since they own the property. Heidi Fiedler wants the erosion and sedimentation cleaned up in the township right of way. David Franke felt there might be a better solution if we wait for the professionals to finish their review. Keith Shuman stated 428 East Wesner Road was not on the storm damage list, and he was waiting for the Board to make a decision on the Lutz request from the previous meeting. The Board agreed that work should be done to repair any storm damage in the right of way.

Heidi Fiedler's motion died for a lack of a second.

Spirit Court

Claude Beaver asked if the water left the floodplain. Various residents stated the water was at their houses. Diane Hollenbach explained that the homes first floors are out of the floodplain but their basements are not.

Teri Myers of 49 Spirit Court stated that she is feeling overlooked because Spirit Court homes flood and just not in this storm. She expressed irritation and frustration with not being allowed to speak before this point in the meeting.

Heidi Fiedler stated that there was a catastrophic amount of rain and the township is limited in what it can do. A disaster was not declared by the Governor. Teri Myers agreed that the township was limited in what it could do, but was not limited in listening to its residents. Heidi Fiedler asked what were the options from a legal and engineering standpoint.

David Franke explained how the Federal and State Emergency Management agencies become involved once a disaster is declared. The Governor has not declared a disaster emergency and neither PEMA or FEMA money is available. There is no public assistance coming because the damage was not widespread. The Township cannot work on private property or make the stream bigger. The homeowner should contact their insurance company to see if they can help but, in the end, this falls back on the homeowners' responsibility to make repairs to their homes.

Carol Anne Donohoe of 101 Spirit Court and Rachel Hall of 57 Spirit Court asked what remedies there are that the Township would come up with to help the residents. Tom Unger responded that there are no remedies at this time. You live along a 100-year floodplain especially since this storm exceeded the 100-year flood.

Yvonne Scalese of 213 Spirit Court stated that she has been flooded five times. She was at the township meeting in 2002 and asked when something would be done about the Cornerstone Drive bridge. It gets backed up constantly and she gets water in basement and yard.

Lori Hershberger of 209 Spirit Court stated that she has lived in her home 27 years and the problems began with the bridge when the double homes were built on Spirit Court. She felt that the township did not adequately address the drainage for that development. She was told by someone in the past that the Cornerstone Drive bridge is a contractor's bridge not meant to handle the volume. She wanted the bridge cleaned out on a regular basis and that the township should look at replacing the bridge. Keith Shuman replied that debris had been removed between storms and that there was just too much rain. The Cornerstone Totlot took damage as well. Lori Hershberger disagreed that the bridge was being maintained properly and wants to be notified when the bridge is maintained.

Yvonne Scalese of 213 Spirit Court stated that the bridge clogs when we get storms with heavy rain and the Cornerstone Drive bridge should be like the bridge at Schaeffer Road. Heidi Fiedler stated that if there is documentation to the contrary(regarding maintenance), please provide it to the township.

Eric Luckenbill of 241 W Walnut Tree Drive stated he lived in the township nine years and this meeting was very disheartening to hear the responsibility was the residents. He felt the rain and flooding were getting worse in the last two to three years. He spent a lot of money installing sump pumps. He felt the flooding issue was the township's responsibility and the swales and trenches need to be cleared. He added that young couples might leave because of this issue and others would not want to live in Maidencreek Township. He would like to understand why the flooding is much worse in the last couple of years. David Franke stated that the township needs to know when things are obstructed, but debris comes with the storm. The township employees may not enter onto private property, and there is only so much tax money to make repairs to bridges. The township can't stop the storm and can't stop the debris. The township tries not to impose on residents by restricting what they have on their property.

Carol Anne Donahoe of 101 Spirit Court stated that it is disappointing to have blame fixed on the homeowners or the storm. She felt there were poor decisions in allowing development, now and in the past and nothing has been done to help the stream and watershed. She informed the Board

that the stream has a new channel and questioned why something can't be done since in the past, the township relocated the stream in the Community Park.

Todd Becker of 121 Spirit Court asked if the Township could extend pick up of branches by one week. Diane Hollenbach stated that he should call the township office when he was ready for pick up.

Teri Myers of 49 Spirit Court asked who owns the property behind her house. Heidi Fiedler stated that the township owns the property. Teri Myers asked if the township is then responsible for maintaining the area. Heidi Fiedler responded that the township does maintenance but there are restrictions in a floodplain and wetland.

Jay Brey of 600 Walnut Tree Drive asked what would be done to the Melrose Place detention pond. Water is being diverted onto his property from the Melrose Place detention pond. Mr. Brey believes that the storm drain inlet is six inches lower than the spillway and is causing flooding issues. The spillway is also twenty feet wider than the easement, and he was getting water from two locations. Tom Unger replied that he is meeting with the developer and his engineer and will look at addressing these items. Mr. Brey will be informed of what action will be taken. Things being looked at are narrowing the spillway, making the spillway concrete and making changes to the catch basin to the invert elevation of the spillway. Mr. Brey was advised to contact the developer for recovery of damages.

Rachel Hall of 57 Spirit Court asked if there was any way of knowing when there was a remedy. She complained of a swampy yard, mosquitos, dead fish. She believes the flooding issues are township negligence. She stated that she is mowing township property.

MANAGER

59 W Bertolet Place – The property owner was given thirty days by the District Justice to clean up his property. The time has lapsed and no progress was made.

A motion was made by David Franke to authorize the Code Enforcement Officer to cite the owner of 59 W Bertolet Place at the District Justice for failing to clean up his property. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Maidencreek TV and Appliance

A motion was made by Claude Beaver to authorize the Board of Supervisors to sign the Maidencreek TV and Appliance Plan. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

BUSINESS

Recycling – The solicitor reviewed the recycling contract and advised that the Township can extend the recycling contract for an additional one-year period. JP Mascaro has indicated that they do not wish to extend the contract and want the Township to rebid residential recycling service.

A motion was made by Claude Beaver to exercise the option in the 2019-2020 Recycling contract and extend the recycling contract for one additional year. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Ryan Crampsie of 312 Sofia Blvd stated that the storm water came through Melrose Place from the pipes under the Norfolk Southern railroad like a river and overflowed the detention basin. This is a poorly designed pipe under the railroad. Development of the commercial lots will make this worse. He had been to a meeting two years ago and was told it was a 100-year storm and added this has been the third 100-year storm in two years. Mr. Crampsie felt that Penn DOT, Norfolk Southern, the developer and the township all should be correcting the stormwater issue. He had spoken with Mr. Unger and wanted to make sure that work continues on the issue. Diane Hollenbach stated that PennDOT and Norfolk Southern could be contacted for a meeting. Mr. Crampsie added that water from his neighborhood is ruining homes and causing damage in other neighborhoods.

Beth Patton of 268 Faith Drive wanted to take action beyond Maidencreek Township and suggested applying for grants and construction of a berm. She asked for politicians to contact. Diane Hollenbach replied that she had contacted Barry Jozwiak's office and was given a pamphlet on flooding. Dan Meuser's office referred the township to Berks Emergency Management. Claude Beaver suggested that if 200 residents contacted the elected officials, they might get action. Diane Hollenbach suggested that Judy Schwank might help even though she was not our senator.

Jay Brey of 600 Walnut Tree Drive suggested an additional basin be installed on the commercial lots in Melrose Place.

James Patterson of 93 Spirit Court told the Board his shed was wiped out and floated away and asked for assistance. Diane Hollenbach agreed that the Township Road Crew could help get the shed out of the Township property when heavy equipment could go in the area. Mr. Patterson asked if he could relandscape his property and bring 1000 yards of soil on his property. Diane Hollenbach advised that he would need to submit a stormwater permit due to the numerous regulations in a floodplain.

Sal Folino, attorney of Scott Zimmerman of 262 W Walnut Tree asked why Heidi Fiedler was harassing Mr. Zimmerman week in and week out. She called the Conservation District and submitting things into the minutes. He felt this was an abuse of power. He questioned why she applied for a permit for a fence and then constructed a 328' long berm that was 25' high with an 8' high fence on top. He asked if she had a Berks County Erosion & Sedimentation Plan. Heidi Fiedler stated she addressed this last month and had talked to the township engineer. Heidi Fiedler stated she would not tolerate public attacks.

Teri Myers of 49 Spirit Court commented that a lot of people were online that are upset about flooding, and Supervisor Fiedler was clearly irritated with the public taking up so much time. A separate meeting was requested. Heidi Fiedler commented that there are feedback issues with

the system, and it is hard to hear some people. The Board is having the township engineer and staff address some issues and clean up. The fire company was out to pump out basements. Unfortunately, we are in a cycle of severe weather patterns around the country. She added that the township sympathizes with everyone who has had damage from the flooding. Claude Beaver stated he could not attend an additional evening meeting. Tom Unger felt that the inspections needed to be completed first. David Franke asked for time until next month as we work through the process. There are so many different variables, it would be difficult to provide any answers at this meeting.

Beth Patton of 268 Faith Drive encouraged everyone to contact their elected officials like Barry Jozwiak. The fight is bigger than Maidencreek.

Scott Zimmerman of 262 W Walnut Tree Drive stated that Supervisor Franke said the township doesn't go on private property, but that is not the case with Supervisor Fiedler. Heidi Fiedler had sent the Captain to mow Mr. Zimmerman's grass and put weed killer down. All the citations that came his way were because of Supervisor Fiedler calling the Berks County Conservation District. Heidi Fiedler stated that what he is saying is not true, and this has already been addressed. Mr. Zimmerman wanted to add something to the minutes. Ms. Fiedler stated that nothing could be added as the minutes were already adopted and approved.

Corey Mutter of 53 Spirit Court commented that he constantly mows back to the wetland and the first few years he lived there it was maintained. Is there a reason that it is no longer mowed? Claude Beaver stated that it was declared a natural area. The township will keep up with mowing paths to the stream and along the back of the properties as long as equipment can get in without getting stuck.

Carol Ann Donohoe of 101 Spirit Court was fine with the riparian buffer but believes that the water is following the mowed area.

Steve Salsano of 264 Faith Drive stated that he has lived here 30 years and the home on Faith Drive is not in a flood plain. They could not get flood insurance. He lives in the lower level of the home and this is the fifth time there has been water in the basement. What is the township's feeling on building a wall a couple of feet high in the backyard? Tom Unger stated that a storm water plan and permit must be submitted for review. Generally, you cannot do anything in the 100-year floodplain. Since this is a walkout basement, Mr. Unger suggested a water gate or sandbags.

Eric Bauman of 208 Wales Way submitted two questions on chat and asked why Heidi Fiedler has recused herself from the Police executive sessions. Heidi Fiedler stated that she recused herself on the advice of our solicitor. His second question was were Maidencreek Supervisors in favor of Chuck Hobart serving as a police officer for Northern Berks Regional Police Department. David Franke stated that the Board could not answer questions on ongoing litigation. Eric Bauman stated that Heidi Fiedler's boyfriend suggested rehiring Officer Hobart at the last police commission meeting. He added that if her boyfriend was in favor of it, she might be. Heidi Fiedler responded that he is not her boyfriend and that was his opinion.

Doug Pike of 145 Spirit Court reported the condition of the stream near the Cornerstone Drive Totlot. There is a section of the creekbank that is very low and there is a section thirty feet long and two or three feet deep of stone, debris and silt in the open space the township usually mows. Keith Shuman said that was actually next on the list to address next week.

Michele Bement of 123 Village Drive asked why Heidi Fiedler voted no on the police budget at the Commission meeting when the budget was approved at the Board of Supervisors meeting. Heidi Fiedler responded there was a discrepancy in the amount, and it had since been passed.

Sean Heckman of 33 Spirit Court thought that the naturalized area pushes the water into the backyards and asked if there was a way to keep the area trimmed more to help the flow of the water. Diane Hollenbach stated that the township can look at the area and if something can be changed. There were grants obtained for the project so there are some limits to what can be done.

James Patterson of 93 Spirit Court asked when the Township would stop holding Zoom meetings. He stated no one was wearing masks. Heidi Fiedler stated the Governor mandated six-foot separation and no more than twenty-five people in a meeting room. The meeting room cannot accommodate that many with the separation requirement. Zoom meetings are authorized under the Open Records Act and Heidi Fiedler suggested contacting the Governor's office. Claude Beaver stated that he would like to get back to the regular in person meetings. James Patterson suggested holding meetings outside.

A motion was made by David Franke, seconded by Claude Beaver, to adjourn the August 13, 2020 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:15 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer