Maidencreek Township Board of Supervisors
September 10, 2020

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

Guests: Eric Bauman, Hollie Buskirk, Eric Luckenbill, Lori Hershberger, Bob Wood, Katelyn Gruber, Debbie Didyoung, Karen Fell, Kim Berger, Michele Benent, Josh Meck, Heather Schoener, James Patterson, Keith Shuman, Avery Amico, Alicia Morales, Jim Schoellkopf, Jr., Donna Culp, Michele Cavallomagno, Chris Kipp, Scott Zimmerman,

Heidi Fiedler called the September 10, 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. An executive session for personnel was held August 13, 2020 after the regular meeting. Supervisor Fiedler opened the public hearing and turned the hearing over to solicitor Orlando.

Public Hearing Ordinance 252

Eugene Orlando, Jr. placed the Board Exhibits for the public hearing on the record. They were:
B1 Proof of Publication in the Reading Eagle on September 1, 2020.
B2 Transmittal letter to Reading Eagle forwarding the full text of the ordinance.
B3 Transmittal letter to the Berks County Law Library evidencing the fact that an attested copy of the ordinance was sent to the Berks County Law Library.
B4 Attested copy of the ordinance with the stamp of the Berks County Law Library attesting they received the ordinance.

Mr. Orlando stated that this is a simple ordinance that removes the parking prohibition on Independence Court. There were no comments on the ordinance from the public. Heidi Fiedler commented that the Board was doing this at the request of the residents on Independence Court to accommodate their need for extra parking. Mr. Orlando stated that since there are no other comments, the regular meeting was advertised to convene immediately after the hearing and the Board would be taking action on the ordinance during the meeting. Mr. Orlando turned the hearing back to the Chair, and Supervisor Fiedler closed the public hearing at 7:05 p.m. and reopened the regular meeting.

MINUTES & FINANCES

Minutes

A motion was made by David Franke to waive the reading of the minutes and approve the minutes for the August 13, 2020 regular meeting. Heidi Fiedler seconded the motion and hearing no questions, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by David Franke to approve the August 2020 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 David Franke to adopt Resolution 18-2020 setting the 2021 Minimum Municipal Obligation for the non-uniformed employee pension plan at $10,000. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT FOR NON-STORM WATER ISSUES - None

ENGINEER

Tom Unger of Systems Design Engineering, Inc. reported that all land development and subdivision plans were current. The Planning Commission continues to review the Burning Ordinance.

Road Work – Contract A has been completed and Contract B is scheduled to begin September 21st. The paving will be performed at night.

Storm Water - Mr. Unger stated that the headwall at 428 E Wesner Road is in the right of way. There is about six feet of right of way and that was marked out for the Public Works Department. Heidi Fiedler commented that there is a foot of packed soil creating ponding beyond the Township right of way that will be a haven for mosquitos. Mr. Unger informed the Board that he had met with the Developer, and Developer's Engineer and Attorney for Melrose Place. Repairs and mitigation items are underway and should be completed in October. Mr. Unger will do a final inspection and review the As Built Plans and storm water report for conformance with the ordinance. Heidi Fiedler asked if the breach was due to a design or a construction issue. Mr. Unger responded that the erosion of the basin occurred because of the size of the rip rap and the volume of water. Ms. Fiedler asked if this erosion was an ongoing problem that started before the August flooding. Mr. Unger stated he didn't see any erosion issues prior to the storm. The water didn't top the spillway previously so damage occurred during the August 2nd and August 4th storms. David Franke asked if the engineer felt confident that we would not have this issue again after the repairs were made. Mr. Unger felt the repairs would solve the issue and continued that a meeting was held with Penn DOT about the Norfolk Southern storm water. Penn DOT representatives are going to try to set up a meeting with the railroad. Mr. Unger inspected storm water pipes along Guldin Road that run from Park Road to Villa Circle and gave some suggestions on repairs. Mr. Unger is gathering plans for the storm water basins and has the Township Manager looking for storm water agreements.

Escrow and Letter of Credit Releases

A motion was made by David Franke to authorize the manager to sign the Melrose Place Letter of Credit/ Escrow Release Letter for $1,068.99. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke to authorize the manager to sign the GSP Properties Letter of Credit/ Escrow Release Letter for $503.06. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT PERTAINING TO STORM WATER

Josh Meck of 424 E Wesner Road, Blandon questioned why the township was not installing a riprap lined longer channel on his neighbor's property at 428 E Wesner. He believed the township was obligated to take care of this storm water issue as well as the entire storm water system. He questioned why the township did not upgrade the swale. He also questioned the release of the Melrose Place escrow and if the developer was being left go from responsibility. Tom Unger responded that the Melrose Place escrow release is only for inspections and the storm exceeded the design parameters of all storm water facilities in the township. Heidi Fiedler stated that we are not upgrading the swale but getting it to function properly so it can channel the water away from the road. David Franke was concerned about the expense to the taxpayer to repair a private property issue and the township being inundated with other requests to repair private property. Heidi Fiedler stated that the system was a public improvement made for the benefit of multiple developments, and we need to make sure the storm water that comes through the public improvement doesn't flood people out. She added this was about public safety and public health with mosquitos and West Nile. Mr. Meck stated that the storm water facility needs to be taken care of from East Wesner Road to the stream. Heidi Fiedler stated that the worst sedimentation is on the Lutz property and it needs to be taken care of because the water isn't flowing properly. Then there is erosion on the Garcia property. At this point, she continued, we need to get it through the Lutz property and then take a look at the rest of it to see what we need to do.

A motion was made by Heidi Fiedler to enter the Lutz property and remove the sediment in the swale.

David Franke was concerned about legalities for working on private property and who is responsible for future maintenance. Would we be liable for damages downstream, and Mr. Franke was concerned about the mosquitos. Eugene Orlando reviewed the property ownership in the Recorder of Deeds office. He stated nothing in the public record definitively states who is responsible. The township has been very cautious about spending public money to fix private problems. He suggested carefully defining in a scope of work in a construction easement that also states what we are and aren't going to do and who is responsible for it after we do it. David Franke was okay with an agreement that does not hold us responsible for future maintenance or

liable for any problems as a result of the work performed. Mr. Orlando suggested the board adopt a motion to authorize the public works director, solicitor and engineer to work to develop a scope of work and a plan to address the immediate situation on Lot 65 of the Walnut Manor Subdivision and discuss with the property owner if an agreement can be reached with the land owner that is satisfactory to the township.

Heidi Fiedler amended her motion to include authorizing the township solicitor and township engineer to draft a construction easement for Lot 65 of the Walnut Manor Subdivision for purposes of repairing a swale and the work is conditioned upon having a signed agreement with the property owner. David Franke seconded the motion.
Questions on the motion - Josh Meck questioned if the motion was to repair the swale all the way to the creek. Heidi Fiedler responded it was just for the Lutz property, Lot 65 and we were taking this one step at a time. David Franke asked Tom Unger if this would take care of the mosquitos. Tom Unger stated that positive drainage and keeping water moving should alleviate that problem. David Franke asked if we did this work, are we obligated to do further work downstream. Mr. Orlando stated that he could not say there will be no problem downstream. To the extent we are changing water flows, there could be liability downstream. To the extent you are maintaining something that already exists, probably not. Hearing no further questions on the motion, it passed unanimously.

Chris Kipp of 305 Faith Drive, Blandon asked who maintains the swale running through his property. He also questioned why the swale does not go all the way to the creek. Mr. Unger stated that the swale cannot continue to the stream without a PA Department of Environmental Protection permit. The swale stops where the floodplain starts but Mr. Unger will contact Mr. Kipp to review the situation.

Karen Fell of 224 Faith Drive, Blandon reported an abandoned home at 220 Faith Drive. She also stated that her home flooded three times in six years and felt it was due to the Schaeffer Road Bridge replacement.

James Patterson of 93 Spirit Court, Blandon thanked the township for cleaning up the shed. He also told the board that the swale along the side of his property is no longer there and asked if it was the township's easement to maintain. Heidi Fiedler asked if the swale was properly built. Tom Unger stated the development is twenty-five years old and it was only a half foot deep in the beginning. It would not have taken much for the swale to be filled in. For example, when new yards are raked for seeding, they are often raked to the low spot, which is the swale. Mr. Patterson questioned when a permit is needed for work. Mr. Unger stated if you are maintaining an existing feature, no permit is needed, but if a homeowner is installing something that is beyond the original recorded plan, a permit is required. The Board asked the engineer to look at the swale on 93 Spirit Court.

Eric Luckenbill of 241 W Walnut Tree Drive, Blandon asked the township's help with a swale that runs along the rear lot line of several properties on W Walnut Tree Drive. Mr. Luckenbill stated that when he purchased the home nine years ago, he did not need flood insurance. He currently has three sump pumps and a generator to handle storm water. He is asking the township to have the engineer determine where the swale should be and where the storm water should be going. The Board agreed that the engineer should look at the swale to determine if it was functioning properly.

Alicia Morales of 228 Faith Drive, Blandon informed the board that she felt her flooding problems were a result of the Schaeffer Road bridge replacement. Her home is not in a floodplain. All the storm drains go to the creek and there is a mosquito problem. David Franke asked the manager to check on the Berks County mosquito spraying program.

SOLICITOR

Traffic Ordinance

A motion was made by David Franke to adopt Ordinance 252 to amend the Township of Maidencreek, Berks County, Pennsylvania Chapter 204 entitled Vehicles and Traffic to remove prohibited parking on Independence Court. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Maidencreek Township Authority - Mr. Orlando reached out to the Authority's solicitor regarding the draft ordinance. The Authority will be moving forward to adopt their resolution in September or October.

Cooperation Resolution with Fleetwood Borough - Mr. Orlando stated that this is still in process. He reached out to Fleetwood Borough's solicitor.

MANAGER

12 Chestnut Street – There is renewed interest from the owner of 12 Chestnut Street in granting the Township an easement on the property. The Board agreed that Mr. Orlando could put the matter back on his agenda.

Additional Signs – The Board was in agreement to install a Visually Impaired Area sign on Spirit Court near Titus Road and a School Bus Stop Ahead sign on Orchard Road.

Railroad Closure – Norfolk Southern is repairing two crossings and East Wesner Road and Hill Road will be closed to traffic September 14th for approximately one week.

Kubota Diesel Mower Repair

A motion was made by David Franke to authorize the repair of the Kubota Diesel Mower with the cost not to exceed $5,500. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Truck #2 Repair

A motion was made by David Franke to repair the clutch and adjust the rear differential on Truck #2 with a cost not to exceed $8,600. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Snow Plowing Chestnut Street Alley – A request was received from the Moyers and the Zubers for the Township to plow the alley behind the homes on Chestnut Street. They are concerned about the ambulance being able to get to their homes. The Board did not authorize plowing of private alleys.

BUSINESS

Trick or Treat

A motion was made by David Franke to set Trick or Treat night on October 31 from 4 to 8 p.m. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke, seconded by Claude Beaver, to adjourn the September 10, 2020 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 9:02 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer