

Maidencreek Township Board of Supervisor Meeting  
December 9, 2010 7:02 pm

Present: Claude Beaver, Roy Timpe, Joseph E. Rudderow III, Eugene Orlando– Orlando Law Offices, Tom Unger– Systems Design Engineering, Inc., Diane Hollenbach – Manager, Johanna Mattera – Recording Secretary.

Guests: Scott Miller of SBI, and Chris Bradley

Claude Beaver called the December 9, 2010 regular meeting of the Maidencreek Township Board of Supervisors to order at 7:01 pm in the Maidencreek Township Municipal Building.

#### APPROVAL OF THE MINUTES

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to approve the November 11, 2010 meeting minutes. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

A motion was made by Joseph Rudderow III, seconded by Claude Beaver, to approve the November 24, 2010 special meeting minutes. Hearing no questions on the motion, the members voted as follows: Claude Beaver and Joseph Rudderow III, “Aye”, Roy Timpe, “Abstained”. Motion carried.

#### ENGINEER’S REPORT

##### **Subdivisions/Zoning –**

**Village @ Summit Crest Preliminary Plan (Private Water System).** – Scott Miller of Stackhouse Bensinger, Inc. reviewed with the Board the modified plans to meet the concerns that MTA had mentioned at their meeting the previous night. Mr. Miller also reminded the Board that the Development’s roads and water system are private, and the sanitary sewer lines will be the only thing dedicated.

Mr. Beaver asked if a neighboring well should go dry, would Mr. Bradley provide water. Mr. Bradley stated that he had a pump test done as required by DEP and according to the test; it should not affect any neighboring wells. The DEP Water Permit will require him to provide water within a certain distance of the Development if wells go dry. Mr. Bradley stated that if a private well goes dry within 100 yards of his property, he would pay to drill a new well for the homeowner.

Mr. Orlando reviewed the draft letter regarding the other items from the SDE letter dated November 4, 2010 that had been updated after the meeting with the developer and developer’s attorney. The Board and Developer agreed to the following terms:

- The developer will provide payment of \$25,000 upon final non-appealable plan approval and then pay \$1,500.00 per unit when sewer EDU are paid for each unit with the money to be used for road improvements at Hill Road and Park Road or Guldin Road and Park Road.
- The developer will post \$125,000 of additional financial security. This amount is based on the redesign, which reduces the potential environmental impacts. This additional financial security will be part of the Improvements Agreement and cost estimate to address any seeps, springs and unanticipated contingencies encountered during construction of the improvements. The \$125,000 shall be released as follows:

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- 25% upon completion of all rough grading if no problems occur.
- 25% upon completion of water and sewer systems if no problems occur.
- 25% upon completion of paving the base course of Sara Drive if no problems occur.
- 25% upon completion of paving base course of all roads, but not less than one year from the first release, if no problems occur.
- The developer will make annual repairs to Lee Spring Road from the entrance to the development to Hill Road to the satisfaction of the Township to address annual damage to the road caused by construction vehicles. The base repair will consist of dig up or mill out damaged areas to a depth of four inches and installing 19mm hot-asphalt macadam and seal the edges.

A motion was made by Roy Timpe to grant a waiver that would take the right away from 53 feet down to 33 feet, and to expand Note 51 that no dedication of the roads will be contemplated until the right-of-way is brought up to Township standards.

Mr. Timpe amended the above motion as follows: that the grant of the waiver of Section 190-32.B.(2) to allow the right-of-way width to be less than 53 feet provided that the streets are posted no parking and to expand Note #51 that no dedication of the road will be contemplated until the right-of-way is brought up to Township standards is conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Code of Maidencreek Township, Section 190-32.I. (1) to allow a single access street longer than 500 feet and more than 20 residential units, conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Code of Maidencreek Township, Section 190-32.I. (8) to allow a 12% street grade for a single access street provided that emergency vehicles have access conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to grant a waiver to the Code of Maidencreek Township, Section 190-46.B.(5) to allow no side yard setback to allow the construction of nine duplex units four of which may be constructed on lots 28-35, and five of which may be constructed on lots 57-79, conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

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A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Code of Maidencreek Township, Section 190-46.C. to allow adjoining side of the nine duplexes to be less than twenty feet apart to the extent that four of which may be constructed on lots 28-35, and five of which may be constructed on lots 57-79 conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to grant a waiver to the Code of Maidencreek Township, Section 190-47.A. to allow walk out basements as the mobile home foundation for lots 1, 2, 12-16, 19-22, 28-35, 42 and 48-56 conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Code of Maidencreek Township, Sections 190-48.B., 190-34.A., 190-34.D.(2) and 190-32.L.(3) to allow macadam walkways to be built instead of sidewalks to Township Standards. Note 51, which shall be corrected to reflect the current Code numbering, shall state that if the streets are ever to be dedicated to the Township, the sidewalks will be brought up to Township standards prior to dedication. The grant of waiver is conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Code of Maidencreek Township, Sections 190-32.L.(3) and 190-48.A.(1) to allow slant curbing instead of vertical curbing. Note 51, which shall be corrected to reflect the current Code numbering, shall state that if the streets are ever to be dedicated to the Township, the curbs will be brought up to Township standards prior to dedication. The waiver is conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to grant a waiver to the Code of Maidencreek Township, Section 190-32.L.(5) to allow streetlights at the intersections and parking areas only provided that there are individual post lights on each lot. Note 52, which shall be corrected to reflect the current Code numbering, shall state that if the streets are ever to be dedicated to the Township, the street lights will be brought up to Township standards prior to dedication. The waiver is conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to grant a waiver to the Code of Maidencreek Township, Section 190-42.A. (5) to not require roof leaders to be

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directly connected to storm sewer conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to grant a waiver to the Code of Maidencreek Township, Section 190-42.F. (2) to allow greater than 24 hour storage duration in the detention basins, not to exceed 72 hours, conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant a waiver to the Code of Maidencreek Township, Section 190-42.F. (4) (a) to allow greater than 6 feet dam height for the detention basin walls but not to exceed 10 feet conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to grant a waiver to the Code of Maidencreek Township, Section 190-44.F.(2)(c) for screen plantings along Lee Spring Road only, and will be provided as shown on the plan. A note shall be placed on the plan that the screen planting consisting of existing natural vegetation shall be maintained as shown on the plans. The applicant will provide a small drawing of the proposed entrance landscaping for Commission consideration during final plan review as discussed and agreed in previous meetings. The waiver is conditioned upon the Developer fulfilling the proposed business terms and that it be memorialized in a separate written agreement in language reasonably satisfactory to the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to grant approval to the Village at Summit Crest III – Land Development Preliminary Plan – Revision 27 conditional upon complying with Systems Design Engineering, Inc. dated November 3, 2010, Attorney Orlando's letter dated November 3, 2010, the Maidencreek Planning Commission letter dated November 4, 2010, all of which are incorporated by reference and the applicant waiving the right and agreeing not to commence construction or improvements or begin any earth moving activities until final plan approval and satisfaction of all final plan approval conditions (not including cutting down trees that do not require earthmoving or excavation. The approval is also conditioned upon the developer fulfilling the proposed business agreement and executing a separate written agreement in language reasonably satisfactory to the Township containing those terms. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Projects**

**West Shore Drive Bridge – Ms. Hollenbach** advised that the Road Crew will do most of the work and if the erosion work goes over what can be spent in a day, Ms. Hollenbach will advise at the meeting.

**Reading Water Authority Dump Site – Ms. Hollenbach** advised the Board that the Township received a letter today stating that DEP will be holding a meeting on February 2, 2011 at 10:00 am, regarding Local Municipality Involvement Proposed Policy Meeting to be held at the Maidencreek Township building.

**The Crossings at Maidencreek – Mr. Corrado** is selling the first 10 lots of the development. The buyer would like a letter from the Township stating that the Township will issue building permits for the lots. The Solicitor advised that as long as the buyer/builder meets all plan requirements, a letter could be drawn up to that effect.

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, authorizing the Solicitor to write a letter, along with the Township Manager and Engineer, to the buyer of the first 10 lots of The Crossings at Maidencreek regarding building permit issuance. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

**Penn DOT Traffic Signal Permit Plan(ADA Ramps) - Mr. Unger** advised that McMahon Associates was hired by Penn DOT to prepare plans to put in ADA ramps at Routt 73 & 222 and Route 73 and Park Road. The Township will eventually be the Permittee but will not be paying for any of this work. The Board would like input on where the ADA Ramps are being installed. Mr. Unger will be sending a response letter to Penn DOT.

**Lehigh Cement - Mr. Unger** advised that a letter came from Lehigh Cement stating they submitted for a plan approval application to PA DEP. Mr. Unger will be sending a letter to Lehigh Cement asking for a copy of the submittal.

#### **Subdivision Improvement Agreement LOC**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the Chairman to sign the Subdivision Improvements Agreements LOC/Escrow release letters in the amount of \$41,701.83. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

#### **PUBLICS WORKS –**

Ms. Hollenbach stated that the Operations Report is in the Supervisor Books for their review.

#### **Truck #4 Replace Plow Pump**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to purchase a Plow Pump for Truck #4 not to exceed \$935.00. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

#### **SOLICITOR’S REPORT**

##### **Comcast Franchise Renewal Agreement**

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A motion was made by Roy Timpe, seconded by Joseph Rudderow III to adopt Resolution #26-2010 Comcast Franchise Renewal. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Larken Appeal Agreement**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Chairman and Secretary to sign the Larken Appeal Agreement. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**COMMUNICATIONS & QUESTIONS**

Ms. Hollenbach advised the Board that the phone system would need to be updated. The current system is no longer supported by Toshiba and parts are not available. The cost to upgrade the system, purchase two phones with speakerphone and caller id capability is \$1,200.00.

Ms. Hollenbach discussed implementing a Consent Agenda and promised to forward an example to the Board.

**TREASURER'S REPORT/MANAGER'S REPORT**

**Treasurer's Report and Bill List**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to approve the November 2010 Treasurer's Report and Bill List. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Requests for Tax Exemption and Refunds** – Ms. Hollenbach discussed with the Board of two properties that have granted tax-exempt status for 2011: 108 Main Street, Blandon and the Maidencreek Church. The Maidencreek Church is asking for a refund for their 2010 taxes. The Board denied the request.

**PARK & RECREATION:**

**Willow Creek Project**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to purchase materials for the stream project not to exceed \$3,000.00 which will be 100% reimbursed by grants. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Mowing of Willow Creek Open Space** – The Fish & Boat Commission recommended not to mow the open space to keep the stream cool for the trout.

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, based on the recommendation received from the Fish Commission for maximizing the use of Willow Creek as a fish habitat, and the recommendation from Park & Recreation Board, to implement a policy not to mow the open space around the Willow Creek between Route 73 and Schaeffer Road, with the exception of possible weed whacking a path between the bridges connecting Cornerstone Drive Tot Lot and the Faith Drive Basketball Court. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Accept Annual Report**

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A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to accept the Park & Recreation Annual Report. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**ORDINANCE:**

**Wind Energy as an Accessory Use** – Tabled.

**RESOLUTION:**

**Resolution #27-2010 Tax Rate**

A motion was made by Joseph Rudderow III, seconded by Roy Timpe, to adopt Resolution #27-2010 Tax Rate. Hearing no question on the motion, all members voted, "Aye". Motion carried.

**Resolution #28-2010 2011 Budget** – The Local Services tax increased from \$10 to \$52.00.

A motion was made by Joseph Rudderow III, seconded by Claude Beaver, to adopt Resolution #28-2010 The 2011 Budget. Hearing no questions on the motion, all members voted as follows: Claude Beaver and Joseph Rudderow III voted, "Aye" and Roy Timpe voted, "Nay". Mr. Timpe stated for the record he does not agree with the increase in the Local Services Tax. Motion carried.

**OLD BUSINESS:**

**Terminating Existing Collection Contracts with Berks EIT**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the Chairman to sign Exhibit C terminating existing Collections Contracts with Berks EIT. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**NEW BUSINESS:**

**Reorganization Meeting to be held January 3, 2011 7:30 pm & Regular Meeting to follow**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, authorizing the advertising of the Reorganization Meeting for January 3, 2011 at 7:30 pm with the Regular Meeting to follow. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Reading Area Transportation Study Options for Restructuring of Board** - Ms. Hollenbach reviewed the Study with the Board. The Board agreed with Option 1.

**Recycling Drop Off Site Quotes**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, awarding the Recycling Drop Off Site Contract to WD Zwicky & Son Inc. with the yearly cost not to exceed \$9,718.00. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

The Board went into Executive Session from 9:57 – 11:05 p.m. to discuss personnel and possible litigation.

**Engineering Interviews**

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A motion was made by Joseph Rudderow III, seconded by Claude Beaver, to interview the top three candidates for engineering service for the Township. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

**Code Enforcement**

A motion was made by Roy Timpe, seconded by Joseph Rudderow III, to authorize the engineer and solicitor to pursue enforcement against the property owner of 320 Main Street, Blandon. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joseph Rudderow III, to adjourn the December 9, 2010 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 11:15 p.m.

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Recording Township Secretary, December 9, 2010

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Township Secretary, December 9, 2010

Cc: Board of Supervisors  
Eugene Orlando, Orlando Law Office, Solicitor  
Thomas Unger, Systems Design Engineering, Inc., Township Engineer  
Planning Commission  
Park & Recreation Board  
Zoning Hearing Board and Alternates  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Patrick Donovan, Maidencreek Township Authority General Manager  
JoAnn Schaeffer, Maidencreek Township Authority Secretary  
Robert Hobough, Jr. Esq., Stevens & Lee, Authority Solicitor  
Greg Unger, Systems Design Engineering, Inc., Authority Engineer  
Barbara Hassler, Tax Collector  
Daniel Miller, Blandon Fire Company Chief  
Chief Scott W. Eaken, Northern Berks Regional Police