

Maidencreek Township Board of Supervisor Meeting
March 8, 2006 7:30 PM

Present: Roy Timpe, Robert Kopfer, Claude Beaver, Gene Orlando & Stephanie Dake – Roland & Schlegel, Tom Unger– Systems Design Engineering, Inc., Keith Shuman – Public Works Director, Diane Hollenbach - Secretary, Johanna Lella – Recording Secretary

Guests: Robert Hanna, Fred Reigle, Gerry Shell, Edward Glausman, Randi Peters, Darren Yonker, Mark Reider, Vicki Kline, Ricky Kline, Joe Rudderow III, Richard Wick, Fay Isamoyer, Cindy Stump, Tina Stewart, Steve Bensinger, David A. Tranquillo, Lester Moore, Chris Kline, Jim Fox, Dan Miller

Roy Timpe called the March 8, 2007 meeting of the Maidencreek Township Board of Supervisors to order at 7:30 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

POLICE REPORT

Due to the delay in the start of the meeting, the Northern Berks Regional police officer was unable to attend.

APPROVAL OF THE MINUTES

A motion was made by Robert Kopfer, seconded by Claude Beaver, to approve the February 8, 2007 regular meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, “Aye”. Motion carried.

ENGINEER’S REPORT

Subdivision Status Checklist

Summit Crest Annexation Plan time extension to July 9, 2007

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the request for a time extension for the review of the Summit Crest Annexation Plan until July 9, 2007. All members voted, “Aye”. Motion carried.

Maidencreek Crossing Final Plan time extension to June 4, 2007

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the request for a time extension for the review of Maidencreek Crossing Final Plan until June 4, 2007. All members voted, “Aye”. Motion carried.

Subdivisions/Zoning

Boyer Place Preliminary Plan – Steve Bensinger of Stackhouse Bensinger presented to the Supervisors a Preliminary Plan of the Boyer Place Subdivision. Mr. Bensinger requested three waivers from the Supervisors that had been recommended by the Planning Commission. They are as follows:

1. Section 508.A.3. Lot width to depth ratio for the proposed lots.
2. Section 513.F.1.e. Proposing a clay liner in the basin in lieu of a detailed geological investigation.
3. Section 513.D.3. Proposing a 12 inch pipe outlet on the basin instead of the required 15 inch pipe.

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A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant the waiver to Section 513.D.3. of the Maidencreek Township Subdivision and Land Development Ordinance allowing a 12 inch pipe outlet to the basin instead of the required 15 inch pipe only because this is a private development, contingent upon the completion and recording of the final plan. All members voted, "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant the waiver to Section 513.F.1.e. of the Maidencreek Township Subdivision and Land Development Ordinance allowing a clay liner in the basin in lieu of a detailed geological investigation contingent upon the completion and recording of the final plan. All members voted, "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant the waiver to Section 508.A.3. of the Maidencreek Township Subdivision and Land Development Ordinance for lot width to depth ratio contingent upon the completion and recording of the final plan.

Mr. Timpe questioned Mr. Bensinger regarding the lot sizes and suggested that the lots meet the width to depth ratio in the ordinance. Mr. Bensinger stated that the R2 zoning requires lots to be a minimum of 10,000 square feet but allows single family semi-detached unit lots to be a minimum of 45 feet wide. Because of this, the lots meet the R2 Zoning Ordinance regulations but do not meet the lot depth to width ratio requirements of the Subdivision and Land Development Ordinance. To meet this requirement, the back property lines on the eight lots would have to be staggered. Mr. Bensinger felt that keeping the rear property lines in a straight line would make for a better, cleaner plan.

Mr. Beaver asked if the owner of lot #1 would be made well aware of the responsibilities of the retention pond. Mr. Bensinger said the owner will be given the operation and maintenance agreements for the retention pond.

Mr. Timpe asked for any public comments. Mr. Wick suggested that Mr. Bensinger create a new plan following the ordinance requirements. Mr. Timpe said that was a valid point. Mr. Bensinger stated that he is not an attorney but if there is an inequality in the ordinance, it goes in favor of the developer.

The Supervisors went into executive session at 8:08 pm for the solicitor to provide legal advice on the plan approval requirements concerning waivers and returned at 8:15 pm.

After returning from executive session, Mr. Kopfer rescinded his second on the above motion. Mr. Timpe asked if there was any other public comment or questions. Mr. Wick wanted to inform the Supervisors about the high powered transmission line running through the property. Mr. Manmiller stated that it is a distribution line not a transmission line. Mr. Manmiller also informed the Supervisors that an easement had been granted in 1934 to GPU and GPU is in the process of moving the distribution line.

A motion was made by Claude Beaver, seconded by Roy Timpe, to grant the waiver to Section 508.A.3. of the Maidencreek Township Subdivision and Land Development Ordinance for lot width to depth ratio contingent upon completion and recording of the final plan. All members voted as follows: Mr. Timpe and Mr. Beaver voted "Aye". Mr. Kopfer voted "No". Motion carried.

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A motion was made by Claude Beaver, seconded by Roy Timpe, authorizing the Chairperson to sign the PA DEP Planning Module Exemption form. All members voted as follows: Mr. Timpe and Mr. Beaver voted "Aye". Mr. Kopfer voted "No". Motion carried.

Mr. Beaver asked about the easement along the creek. Mr. Bensinger stated that this matter is still in a discussion phase and his understanding is that it is not part of the ordinance. Mr. Orlando stated that the Planning Commission recommended approval of the Preliminary Plan based on the recommendations of the SDE letter of March 8, 2007 that the stream and detention basin access easements explicitly allow access for fishing along the Willow Creek. Mr. Manmiller asked how much easement the Supervisors are looking for. After some discussion, the Supervisors determined that an easement of 20 feet from the top of the bank for trout fishing would be recommended to the Park and Recreation Board.

A motion was made by Claude Beaver, seconded by Roy Timpe, to grant Preliminary Plan Approval contingent upon the March 8, 2007 SDE letter and the Planning Commissions action letter dated March 7, 2007. All members voted "Aye". Motion carried.

Projects

Hoch Road Culvert Replacement – No action required at this time from Board.

Comprehensive Plan Revision Draft - No action required at this time from Board.

Municipal Building Sewer Connection – Mr. Unger reviewed the letter to be sent to Redner's Market dated March 8, 2007. The Supervisors agreed that the letter should be sent requesting an sewer easement from Redner's Market.

Zoning Ordinance and SALDO – No action required at this time from Board.

Act 537 Plan – No action required at this time from Board.

Lehigh Cement Noise Study – No action required at this time from Board.

Limestone Acres/Allen Davis Farm Stormwater – Mr. Unger and Mr. Shuman went out on Friday, March 2, 2007 to observe the flow of water due to the rain storm and snow melting. There is more water going to certain ponds than anticipated. Mr. Unger is looking for the Supervisors' permission to further investigate this stormwater situation.

The Supervisors advised the Secretary to send letters out to pond owners reminding them that they are responsible for the operation and maintenance of the pond.

A motion was made by Robert Kopfer, seconded by Claude Beaver, authorizing SDE to investigate the stormwater flow on South View Road. All members voted "Aye". Motion carried. The motion was amended to include a dollar limitation.

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The above motion was amended by Robert Kopfer, seconded by Claude Beaver, to include a dollar limitation of \$2,500.00. All members voted "Aye". Motion carried.

Rt. 222 Drainage - No action required at this time from Board.

339/343 Cassidy Stormwater – Mr. Unger and Mr. Shuman went out on Friday, March 2, 2007 to observe the stormwater flow. Mr. Moore had brought pictures showing the flow of the water during this storm for the Supervisors' review. Mr. Moore stated that the water seems to be coming from the other side of Park Road by the railroad tracks.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing SDE to investigate and survey the swales and such located on Cassidy Court not to exceed \$2,500.00. All members voted "Aye". Motion carried.

Traffic Calming - No action required at this time from Board.

Water Well Ordinance – No action required at this time from Board.

Bingo Hall Inspection – Mr. Unger stated that a second letter is being sent out to Mr. Young, certified this time, regarding the noncompliance of the property to the requirements in the meeting minutes. The letter states that Mr. Young is to contact SDE within 10 days. Mr. Unger added that Mr. Young sent in a request for additional parking on the BRL property. Mr. Unger suggested that the Supervisors wait on proceeding with the additional parking request until Mr. Young resolves the parking issues at the Bingo Hall.

Subdivision Improvement Agreement LOC/Escrow Release Letters

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements LOC/Escrow release letters in the amount of \$411.58 for the month of February 2007. All members voted, "Aye." Motion carried.

Sewage Enforcement Office Activity Report- SDE reviewed report.

Code Enforcement Officer Activity Report – Fernando Folino submitted a Zoning Permit Application for the Greenwald Property, formerly Bedrock Stone & Stuff. SDE reviewed the application and will be mailing a letter in response.

OPERATION'S REPORTS

Proposal for street sweeping

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Public Works Director to have RSI do the annual street sweeping. All members voted "Aye". Motion carried.

The above motion was amended to include a dollar limitation not to exceed \$3,000.00 made by Claude Beaver, seconded by Robert Kopfer. All members voted "Aye". Motion carried.

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North View Road – Mr. Shuman said he investigated North View Road street damages. Mr. Shuman suggested waiting until the spring to discuss how to repair the damages.

Tree work on Genesis Dr. - Dave Barth will be doing the tree work. The property owners will be notified prior to commencement of the job.

SOLICITOR'S REPORT

Improvements Agreements –

Dollar General - Awaiting developer input.

Exemptions to Mandatory Water Connection – Tabled.

Prepare Traffic ordinance – Tabled.

Construction Code Ordinance – Tabled.

Noise Ordinance – Ms. Dake informed the Supervisors that she is still in the process of investigating why the original Noise Ordinance had been changed. Mr. Beaver asked that the ordinance hearing transcripts be sent to Chief Eaken for review of the former police chief's comments.

Manager Ordinance – Mr. Orlando will be e-mailing to the Supervisors and the Secretary a draft of the Manager Ordinance for their review.

Ingot Drive Deed of Dedication – No action is required at this time.

Sludge Ordinance – The public hearing for the Sludge Ordinance was held prior to the meeting at 6:30 pm. Mr. Orlando recommended to the Supervisors that they make the changes to the Draft Sludge Ordinance suggested at the hearing.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the changes suggested at the March 8, 2007 hearing to the Draft Sludge Ordinance. All members voted "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Solicitor to advertise a public hearing prior at 6:45pm on April 8, 2007 for the Sludge Ordinance. All members voted "Aye". Motion carried.

Bandon Fire Company – The Bandon Fire Co. is in the process of acquiring a new piece of equipment. They are looking to fund this through a Private Activity Bond. Mr. Orlando informed the Supervisors that there will be no impact on the Township's budget nor will the Township be monetarily responsible for the loan. The fire company will need the authorization from the Township to file the application for the loan. This approval will need to be done by a resolution after a public hearing.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Solicitor to advertise a public hearing at 6:30 pm on April 8, 2007 to consider the

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request of the Blandon Fire Company for approval of their borrowing in order to comply with IRS section 147. All members voted "Aye". Motion carried.

TREASURER'S REPORT

A motion was made by Robert Kopfer, seconded by Claude Beaver, to approve the February 2007 Treasurer's Report and bill list. All members voted, "Aye." Motion carried.

PUBLIC COMMENT

Mr. Tranquillo, Buena Vista Road - Mr. Tranquillo informed the Supervisors that Lehigh Cement sent an invitation to the home owners of Buena Vista Road asking to meet with them on Saturday, March 10, 2007. The Township had not been informed of or invited to the meeting.

Mr. Tranquillo asked the Supervisors if they had considered reimbursing him for the professional fees he incurred regarding the September 24, 2007 matter. Mr. Tranquillo did say that he is satisfied with the outcome so far. Mr. Orlando asked if the Township had received payment from Lehigh Cement or Judge Gauby's office for the judgment that had been awarded. Diane Hollenbach said that she will follow up with Ruth. Mr. Orlando said once it has been determined if the Township has been paid they would look into reimbursing Mr. Tranquillo, but he could not make any promises. Mr. Timpe thanked Mr. Tranquillo for all of his efforts and the report that he supplied to the Township.

Jim Fox, 12 Chestnut Street – Mr. Fox is asking for help with the water problem on his property. Mr. Shuman and Mr. Unger explained to the Supervisors that the flow of the creek is underground and on private property. Mr. Unger stated that the only part that is open is underneath the culvert by the railroad tracks which is clogged with debris. Mr. Unger stated that because this is a natural stream it can not be obstructed. The railroad could investigate the clogged culvert and possibly put some kind of screening at their own discretion. However, Mr. Unger added that if the railroad opens up the clogged culvert, it may cause the water to flow more easily. The Supervisors advised Mr. Fox that if the railroad cleans up the culvert it may cause him more problems. Mr. Fox felt that if more water flows through, it may push the debris loose that is clogging the underground stream.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to have the Engineer contact the railroad to investigate the clogged culvert at Chestnut Street. All members voted "Aye". Motion carried.

PARK & RECREATION - none

EMERGENCY MANAGEMENT – none

BUSINESS- none

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Since there was no further business, a motion was made by Robert Kopfer to adjourn the March 8, 2007 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:05 P.M.

Transcribing Secretary

Cc: Board of Supervisors
Eugene Orlando, Roland & Schlegel, Solicitor
Thomas Unger, Systems Design Engineering, Inc., Township Engineer
Ed Kopicki, Systems Design Engineering, Inc., Planning Commission 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