

Maidencreek Township Board of Supervisor Meeting
May 10, 2007 7:05 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: Joseph Rudderow III, Barrie Higo Jr., Jan A. Williams, David A. Tranquillo, Henry M. Koch Jr., Fay Isamoyer, Randy Wolfe, Tina Poole, Harold Burgert, Don Colongek, Steve Bensinger, Dan Miller, Chris Kline, Richard Wick, Patrick Barrett, Cindy Stump, Rick Kline and Paul Martin.

Roy Timpe called the May 10, 2007 meeting of the Maidencreek Township Board of Supervisors to order at 7:06 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

POLICE REPORT

Officer Toro reported that Northern Berks Regional Police responded to 299 assignments in Maidencreek Township in the month of April. This resulted in 62 citations. Total patrol hours were 817.21 hours. Total mileage was 5,751.05. Total fines were \$2,709.17.

APPROVAL OF THE MINUTES

A motion was made by Robert Kopfer, seconded by Claude Beaver, to approve the April 12, 2007 regular meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, “Aye”. Motion carried.

RESOLUTIONS

Resolution adopting sludge regulations and an application form

A motion was made by Claude Beaver, seconded by Robert Kopfer, adopting Sludge Regulations and Application Form Resolution 13-2007. All members voted “Aye”. Motion carried.

Resolution authorizing Blandon Fire Co No 1 to provide fire protection to Maidencreek Township

A motion was made by Claude Beaver, seconded by Robert Kopfer, adopting Resolution 14-2007 authorizing Blandon Fire Co No 1 to provide fire protection to Maidencreek Township. All members voted “Aye”. Motion carried.

ENGINEER’S REPORT

Maidencreek Crossing (Corrado) expires 6/4/07

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the 90 day time extension for Maidencreek Crossing Subdivision and Land Development Plan. All members voted, “Aye”. Motion carried.

Village at Summit Crest expires 6/6/07

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the 90 day time extension for the Village at Summit Crest Subdivision and Land Development Plan. All members voted, “Aye”. Motion carried.

Melrose Place Commercial Lots C-4 & C-5 expires 6/5/07

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the 90 day time extension for the Melrose Place Commercial Lots C-4 & C-5 Land Development Plan. All members voted, "Aye". Motion carried.

Subdivisions/Zoning –

Boyer Place Final Plan – SDE reviewed their letter dated May 4, 2007 regarding the Planning Commission recommendations made for the final plan of Boyer Place. Item #9 of the letter states that "An existing utility easement appears to cross the tract and would need to be changed or relocated. This should be finalized prior to Final Plan approval." Mr. Koch stated that his office did receive a letter from Met-Ed stating that they can provide electric and that there will be additional costs involved for the line relocation, however, this can not be determined until the actual electric design is complete. Mr. Orlando suggested that as part of the condition of the final plan approval that the Developer will post the final dollar amount that will be determined by Met-Ed. The developer will receive credit for the dollars that are posted up to that point.

A motion was made by Claude Beaver, seconded by Roy Timpe, approving the Boyer Place Final Plan conditional upon completion of the items in the SDE letter dated May 4, 2007, the Improvements Agreement reflecting the accurate utility costs as determined by Met-Ed and the Developer, Maidencreek Township Authority approval and posting of financial security in a form acceptable to the Township. Members voted as follows: Mr. Timpe and Mr. Beaver voted "Aye". Mr. Kopfer voted "No". Motion carried.

Projects

Limestone Acres/Allen Davis Farm Stormwater – John Loper of Systems Design Engineering presented a preliminary design of a detention basin for additional storm water retention. In addition, SDE is looking at diverting some of the storm water from the commercial lots along Park Road into the existing storm sewer system. No action was taken.

339/343 Cassidy Stormwater – John Loper reported that SDE is looking at ways to get the storm water to flow as planned on the Blandon Meadows IV recorded plan.

Stormwater 419 Colonial Court – Tom Unger reported that he met with the home owner and the issues appear to be private property issues.

2007 Road Projects – Mr. Unger and Mr. Shuman reviewed the 2007 Roadwork Projects.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Engineer to prepare bids for the annual road maintenance for the following roads: Evansville Road, Hill Road, Midway Avenue, Calcium Road (Maidencreek Road to Bridge, Bridge to Rt. 73) and Dalton Drive. All members voted "Aye". Motion carried.

Golden Manor III Installation of the Street Trees - No bids were received. It was recommended to rebid in the fall.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing SDE to rebid the 56 trees for the improvements in Golden Manor III in the fall. All members voted "Aye". Motion carried.

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 \$746.02 for the month of April 2007. All members voted, "Aye." Motion carried.

Lot 1 Bishop Subdivision Planning Module Exemption

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the Planning Module Exemption for Bishop Subdivision Lot #1 owned by Ed Anewalt for replacement of a failed septic system. All members voted "Aye". Motion carried.

Turning Arrows at Route 73 and Route 222 - The Supervisors reviewed the letter received from Penn Dot regarding the Township's request to install left turn arrows at the intersection of Route 222 and Route 73.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Secretary to send a letter to David Argall requesting assistance regarding improvements at Rt 73 and Rt 222 and to forward a copy of the letter received from Penn Dot. All members voted "Aye". Motion carried.

187 W. Wesner Road – tabled.

OPERATION'S REPORTS

Mr. Beaver asked if the "End Construction" sign on Park Road near Hill Road could be moved. He has received complaints regarding blocked vision at the stop sign of Hill Road and Park Road. Mr. Shuman stated he will inform the contractor.

SOLICITOR'S REPORT

Mandatory Water Connection – MTA sent a letter to the Township dated May 9, 2007 regarding the Mandatory Water Connection. Mr. Orlando advised the Supervisors that they should take as much time as need regarding this issue. It was suggested that a workshop meeting between MTA and the Township be scheduled. Ms. Hollenbach will ask MTA if either May 24th or May 31st at 7:30pm is suitable for the meeting.

Traffic Ordinance – A Public Hearing was held prior to the meeting.

A motion was made by Claude Beaver, seconded by Robert Kopfer, adopting Traffic Ordinance 208 as presented at the Public Hearing with the technical correction to Section 4 item 14 correcting the spelling of Hoch Road. All members voted "Aye". Motion carried.

Noise Ordinance – tabled.

Manager Ordinance – A Public Hearing was held prior to the meeting.

A motion was made by Robert Kopfer, seconded by Claude Beaver, adopting Ordinance 209, which creates the position of Township Manager.

Mr. Rudderow asked if the Board would reconsider the adoption of the ordinance. The Supervisors stated that adopting the ordinance does not oblige the Township to pay someone a handsome sum to become a Township Manager and this is only to create the position. The advantage of having a Township Manager is that they can handle many of the day to day decisions that come up during business hours. All members voted "Aye". Motion carried.

Ingot Drive deed of dedication – No action is required at this time.

Negotiate Cel Tower Lease with Crown Castle – Mr. Orlando has tried to contact Crown Castle and is waiting for their response.

TREASURER’S REPORT

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

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the payment of mileage for performing work related duties in personal vehicles to Keith Guistwite in the amount of \$64.51. All members voted “Aye”. Motion carried.

A motion was made by Robert Kopfer, seconded by Claude Beaver, authorizing the transfer of \$33,880.00 from the State Liquid Fuels Money Market to the Equipment Fund per the 2007 budget. All members voted “Aye”. Motion carried.

PARK & RECREATION

Approval of YMCA Summer Playground –

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Chairman to sign the YMCA Summer Playground agreement. All members voted “Aye”. Motion carried.

Approval of Fire Company Carnival –

A motion was made by Claude Beaver, seconded by Robert Kopfer, approving the advancement of \$4,000.00 to Blandon Fire Company for the Carnival. All members voted “Aye”. Motion carried.

Fishing – Mr. Beaver suggested to the Park and Recreation Board that signs be placed explaining that the fishing along the creek is a cooperative effort between the Fish Commission and the Township and the property owners. If a property owner decides not to allow fishing due to littering and such, and the Fish Commission pulls out, it is no one's fault but their own. Mr. Beaver also suggested that garbage cans be placed with the signs. Mr. Beaver suggested that they should consider putting stone down for parking by the Schaeffer Road Bridge.

PUBLIC COMMENT

Jan A. Williams – 170 S. View Road- Burning Ordinance. Mr. Williams stated that Valley View Greenhouse has been burning. He said that it smells like plastic is burning. Dan Miller of the Fire Company said that he has made a call to the property, and they are using an indoor furnace to heat up the greenhouse. Mr. Miller recommends that Mr. Williams call the non-emergency number if it occurs again, so that he can go out and investigate.

A motion was made by Claude Beaver, seconded by Roy Timpe, to have the Code Enforcement Officer investigate the burning at Valley View Greenhouse, site if necessary and take any legal action. All members voted “Aye”. Motion carried.

Randy Wolfe – 342 W. Walnut Tree Drive - Mr. Wolfe asked if Mr. Kopfer is going to resign from the Maidencreek Township Agricultural Security Board since he is running for re-election.

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The Supervisors stated that Mr. Kopfer does not have to resign because it is required that a Supervisor be on the Agricultural Board. Mr. Rudderow asked if there is an alternate member for that Board. Mr. Timpe said yes.

Mr. Wolfe asked if the Township has charged the owners of 385 W. Walnut Tree Drive for lawn service.

Tina Pole- Lee Spring Road - Mrs. Poole wanted to know when the Summit Crest III plan was broken down into two phases. The township engineer promised to check this out. Ms. Poole wanted to know where the water line is going on Hill Road. Mr. Unger suggested that Ms. Poole attend the MTA meeting, since they are in charge of the sewer and water lines. Mrs. Poole stated that there are approximately 8 conditions and easements with annexation still outstanding and wanted to know if the Board could require the developer to record the annexation plan before they vote on the final plan. Mr. Orlando said that if he understands her question, yes they can require it.

David Tranquillo- 297 Buena Vista Road - Mr. Tranquillo stated that he filed a complaint on April 22, 2007 regarding Lehigh Cement. He also called DEP because Lehigh Cement dusted again on May 8, 2007. He has also called Mr. Argall's office regarding this issue. Mr. Tranquillo asked about reimbursement for his expense. Mr. Timpe said that the Township has sent in a request to Lehigh Cement reminding them of their obligation to reimburse the Township as set by the Court.

EMERGENCY MANAGEMENT – Tabled.

BUSINESS

Executive Session was held from 9:17 PM to 10:05 PM to discuss litigation and personnel issues.

Lehigh Cement

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Code Enforcement Officer to cite Lehigh Cement for all violations. All members voted "Aye". Motion carried.

Planning Commission Appointment

A motion was made by Robert Kopfer, seconded by Claude Beaver, appointing Mr. Jeffrey Futchko to Planning Commission with his term to expire 12/31/2010. All members voted "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Secretary to send a letter of thanks to those who applied for the Planning Commission position and ask them if the Township can keep their names on file for future appointments. All members voted "Aye". Motion carried.

Township Manager Position

The Supervisors announced that Ms. Diane Hollenbach will be filling the Township Manager position that was created by the Management Ordinance that was adopted earlier this evening.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Secretary to advertise a workshop meeting and also as a special meeting to adopt the resolution for the management position. All members voted "Aye". Motion carried.

Rezoning Request

W. D. Zwicky has requested the rezoning of property located on Buena Vista Road from Special Intensified Agriculture, Low Density Residential and Agriculture to Industrial.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to have the Engineer conduct a study of possible effects of rezoning this parcel. All members voted "Aye". Motion carried.

DCED Grant Contract

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Chairman to sign the DCED Grant Contract. All members voted "Aye". Motion carried.

Playground Mulch

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the purchase of 100 yards of certified playground mulch at \$15.75 per yard (\$1,575.00) picked up. All members voted "Aye". Motion carried.

State Senator Jim Rhoades

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Secretary to send a letter to Senator Jim Rhoades requesting financial assistance for projects not covered by the Township budget as requested. All members voted "Aye". Motion carried.

Undedicated portion of June Avenue – tabled.

Since there was no further business, a motion was made by Robert Kopfer, seconded by Claude Bever, to adjourn the May 10, 2007 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:28 P.M.

Transcribing Secretary

Township Secretary

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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 Hobaugh, 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