

Maidencreek Township Board of Supervisor Meeting  
June 14, 2007 7:00 PM

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

Guests: Scott Miller, Stanley Deeds, Frank Snell, Chris Liptak, Chris Kline, Lester Moore, Felix Pena of the Reading Eagle, Dan Miller, Ching Lee, Joseph Rudderow III, David Tranquillo, Carl Weston, Paul Martin, Scott Miller of Stackhouse Bensinger

Roy Timpe called the June 14, 2007 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

POLICE REPORT - No officer was present.

#### APPROVAL OF THE MINUTES

A motion was made by Robert Kopfer, seconded by Roy Timpe, to approve the May 10, 2007 regular meeting minutes and the May 24, 2007 special meeting minutes of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, Mr. Kopfer and Mr. Timpe voted “Aye”. Motion carried. Claude Beaver was absent for this motion.

#### ENGINEER’S REPORT

##### **Subdivision Status Checklist** –

Village at Summit Crest Annexation Plan expires 7/9/07 – Scott Miller of Stackhouse Bensinger stated that Ruscombmanor Township has approved the annexation plan for the Village at Summit Crest. Mr. Unger stated that the plan has met the conditions stated in SDE's letter dated February 1, 2006. Mr. Orlando stated the plan needs to be recorded at the same time as the new deeds.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to approve the Village at Summit Crest Annexation Plan conditional upon the Systems Design Engineering, Inc. letter dated February 1, 2006 . Hearing no questions on the motion, Mr. Kopfer and Mr. Timpe voted “Aye”. Motion carried. Claude Beaver was absent for this motion.

##### **Blandon Meadows V Phase II Escrow Release**

A motion was made by Robert Kopfer, seconded by Roy Timpe, authorizing the release of the cash escrow account for the Blandon Meadows V Phase II Improvements Agreement. Hearing no questions on the motion, Mr. Kopfer and Mr. Timpe voted “Aye”. Motion carried. Claude Beaver was absent for this motion.

##### **Rajah Shrine Escrow and Letter of Credit Release**

A motion was made by Robert Kopfer, seconded by Roy Timpe, authorizing the release of the cash escrow maintenance fund and Letter of Credit for the Rajah Shrine Complex Plan. Hearing no questions on the motion, Mr. Kopfer and Mr. Timpe voted “Aye”. Motion carried. Claude Beaver was absent for this motion.

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Subdivisions/Zoning

Maidencreek Crossing (Corrado) Subd. Final Plan- No action required at this time from the Board.

Village at Summit Crest Final Plan – No action required at this time from the Board.

Zwicky Rezoning Request (220 Buena Vista Road) – Mr. Unger informed the Supervisors that after reviewing the request from Mr. Zwicky for rezoning, he recommends that an amendment to the Zoning Ordinance be drafted to the current SIA Zoning District to include the use of power generation as a conditional use. Mr. Orlando recommended that this amendment be added to the Industrial Zoning District as well.

A motion was made by Roy Timpe, seconded by Robert Kopfer, authorizing the Engineer and Solicitor to work on modifications to the current SIA Zoning District and the Industrial Zoning District. Hearing no questions on the motion, Mr. Kopfer and Mr. Timpe voted “Aye”. Motion carried. Claude Beaver was absent for this motion.

**Projects**

**Hoch Road Culvert Replacement** – Mr. Unger briefed the Supervisors on various designs for the Hoch Road Culvert.

A motion was made by Robert Kopfer, seconded by Roy Timpe, authorizing SDE to redesign the Hoch Road Culvert with shorter wing walls in order to keep the project within the Hoch Road right of way. Hearing no questions on the motion, Mr. Kopfer and Mr. Timpe voted “Aye”. Motion carried. Claude Beaver was absent for this motion.

**Limestone Acres/Allen Davis Farm Stormwater** – John Loeper of SDE informed the Supervisors that there are two primary sources of water that flow into the 30” pipe that empties into Limestone Acres/Allen Davis Farm. It was determined that the orifice plate in the basin behind Esbenshade's Greenhouse was not installed and the Park Road Lock and Store detention basin is not working properly due to sediment clogging the orifice plate. Mr. Loeper recommended that the basins be maintained per the approved land development plans and monitored for several months before any additional steps are taken.

A motion was made by Robert Kopfer, seconded by Claude Beaver, authorizing the Code Enforcement Officer to send a notice to Esbenshade's Greenhouse and Park Road Lock and Store giving 20 days to maintain the detention basins on their properties per the approved land development plans, otherwise charges will be filed. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

**339/343 Cassidy Stormwater** – John Loeper of SDE informed the Supervisors that the swales are not working as designed. Mr. Loeper believes that the swales changed over time as more homes were built in the development. Mr. Loeper explained that the swales will need to be corrected and additional pipes will need to be added to alleviate the stormwater issue.

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Mr. Unger and Ms. Hollenbach met with Mr. Sharman (developer) regarding this issue. Mr. Sharman will provide the regrading, mating and seeding work at the Township's direction. Mr. Unger stated the pipe size placed for the flow of water was designed based on the ordinance that was in effect at the time the development began. Mr. Chris Liptak asked for a copy of the correction to be made and the elevations of the swale.

A motion was made by Robert Kopfer, seconded by Claude Beaver, authorizing the Township along with Mr. Sharman to remedy the 3 areas recommended by SDE in Blandon Meadows Phase IV. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Norfolk Southern/Chestnut Street Drainage** – Norfolk Southern Railroad cleaned the Chestnut Street culvert.

**2007 Road Projects and Community Park Trails Bids-** The following bids for the 2007 road work were opened at the meeting: Windsor Service, \$202,414, EJB Paving & Materials, \$140,712.25 and Eastern Industries, Inc., \$209,500.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to award the 2007 Road Work and Community Park Trail paving bid to EJB Paving for the amount of \$140,712.25 pursuant to Engineer's review. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Golden Manor III Installing of the Street Trees** - Tabled. This will be rebid in August.

**Subdivision Improvement Agreement LOC/Escrow Release Letters –**

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the Chairman to sign the Subdivision Improvements Agreements LOC/Escrow release letters in the amount of \$35,713.65 for the month of May 2007. All members voted "Aye." Motion carried.

OPERATION'S REPORTS

**Summer Help**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to hire summer help consisting of Sean Connors, Ryan Dunkle, Ty Garl and Daniel Shuman. Hearing no questions on the motion, all members voted "Aye". Motion carried.

SOLICITOR'S REPORT

**Improvements Agreements –**

Dollar General – No action is required at this time.

Boyer Place – Mr. Orlando asked if SDE could send the approved cost estimate and list of plan pages with their revision dates to his office via email.

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**Exemptions Mandatory Water Connection** – After a lengthy discussion regarding the Mandatory Water Connection Ordinance, it was determined that further investigation is needed. Mr. Beaver advised Ms. Hollenbach to request information from Mr. Donovan that he referenced at the May 24, 2007 special meeting. The Supervisors authorized the Solicitor to investigate the well head protection issue further.

**Noise Ordinance** – No action at this time.

**Real Estate Transfer Tax Ordinance Amendment** – Stephanie Dake informed the Supervisors that the Commonwealth has enacted Act 40 which allows the Department of Revenue to collect, enforce and determine any delinquent township real estate transfer taxes. The current Ordinance #130 does not include this new act. Mrs. Dake advised the Supervisors that amendment to Ordinance #130 needs to be made.

A motion was made by Claude Beaver, seconded Robert Kopfer, authorizing the solicitor to advertise a public hearing on the draft ordinance amending Ordinance #130 to be held at 6:45 PM on July 26, 2007. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

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

**Negotiate Cell Tower Lease with Crown Castle** – No action is required at this time.

**Code Enforcement**

8 Chestnut Street - The Code Enforcement Officer sent a certified letter to the owner of 8 Chestnut Street. The return receipt was dated May 17, 2007.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Solicitor and the Code Enforcement Officer to enforce the notice by any means appropriate. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

145 Buena Vista - No action is required at this time.

**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.

**PARK & RECREATION**

**Maidencreek Township Park and Recreation 2006 Annual Report**

A motion was made by Claude Beaver, seconded by Robert Kopfer, accepting the Maidencreek Township Park and Recreation 2006 Annual Report. Hearing no questions on the motion, all members voted “Aye”. Motion carried.

**Fishing** - Mr. Beaver asked if the Park and Recreation Board looked at the suggestion that had been made regarding the signs and trash cans along the stocked portion of the

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Willow Creek. The Park and Recreation Board believe no signs are needed because there have been no violations to date. They are looking into the garbage cans. Mr. Beaver asked if there is going to be a little parking area. Ms. Hollenbach stated that the gentleman from the PA Fish and Boat is looking into grants, and the parking area will be part of this grant.

**PUBLIC COMMENT**

David Tranquillo of 297 Buena Vista Road, Fleetwood, asked the Supervisors if he is going to be reimbursed by the Township for the testing of the dust on his property. Mr. Orlando stated that at the hearing with Judge Gauby regarding Lehigh Cement, the Township did request that Lehigh Cement reimburse Mr. Tranquillo for his costs. Judge Gauby did not order Lehigh Cement to reimburse Mr. Tranquillo. Mr. Orlando suggested to Mr. Tranquillo and the residents of Buena Vista Road that they hire an attorney on their behalf. Mr. Tranquillo advised the Supervisors that Lehigh Cement invited the residents of Buena Vista Road to their facility for a meeting at 9:00 am on Saturday, June 23, 2007.

Carl Weston of 197 S. View Road, Fleetwood, asked if the Township is working on a 5 year plan. Mr. Timpe stated that the Planning Commission is in the process of working on a Comprehensive Plan.

**EMERGENCY MANAGEMENT –**

**Hazard Mitigation Plan –** Ms. Hollenbach stated that a sample of the Hazard Mitigation Plan Resolution had been received from the County Solicitor's Office.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the Solicitor to modify the sample Hazard Mitigation Plan Resolution. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**BUSINESS**

**Reapproval of David Small Self Storage Land Development Plans**

A motion was made by Robert Kopfer, seconded by Claude Beaver, reapproving the David Small Self Storage Land Development Plans. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**Undedicated portion of June Avenue owned by American Bank – Tabled.**

**Letter of Support for Zwicky Green Recycling Project –** No motion to sign the letters.

**Letter requesting a stop sign at Maidencreek Road and Pleasant Hill Road –** The Board reached a consensus that they did not want a stop sign installed on Maidencreek Road due to sight distance concerns.

**Executive Session was held from 9:17 p.m. to 10:15p.m. to discuss litigation and personnel issues.**

**July Meeting**

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A motion was made by Robert Kopfer, seconded by Claude Beaver, authorizing the manager to advertise that the July 12, 2007 meeting is canceled and rescheduled on Thursday, July 26, 2007 immediately following the 6:45 PM public hearing. Hearing no questions on the motion, all members voted "Aye". Motion carried.

**East Wesner Road & Hoch Road**

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing signs to be added to the East Wesner and Hoch Road intersection stating that opposing traffic on Hoch Road does not stop. Hearing no questions on the motion, all members voted "Aye". Motion carried.

Since there was no further business, a motion was made by Robert Kopfer, seconded by Claude Beaver, to adjourn the June 14, 2007 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 10:27 P.M.

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Transcribing Secretary

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Township 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

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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