

Maidencreek Township Board of Supervisor
April 14, 2005, 7:00 PM

Present: Roy Timpe, Gloria Kemmerer, Robert Kopfer, Eugene Orlando, Jr. – Orlando and Strahn, Tom Unger – Systems Design Engineering, Inc., Keith Shuman – Public Works Foreman, Diane Hollenbach – Recording Secretary

Guest: Kristopher and Vicki Kipp, Donna and Gary Fuerst, Jeff and Ruth Gallagher, Paul Martin, J. Schoellkopf, Bill Wiedemann, Randi Brandt, Dominic and Ann Caccese, Gloria Kline, Tina Poole, Rebecca Bellville, Michael Jensen, Larry Kunkel, Fay Isamoyer, Eufemio Verbin, SJ Strusse, Todd Gorman, Joseph Rudderow III, Cindy Stump, Penny Humrel

An Executive Session was held from 6:48 p.m. to 7:14 p.m. to discuss personnel and potential litigation.

Roy Timpe called the regular meeting of the Maidencreek Township Board of Supervisors to order at 7:14 p.m. at the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

POLICE REPORT

Officer Drazenovich presented the March 2005 Northern Berks Regional Police Report. In March, there were 843.14 patrol hours in Maidencreek, covering 6,696.45 miles with 264 assignments resulting in 131 citations for a total of \$3,011.85 in fines. Officer Drazenovich stated that there were 19 accidents of which 11 were reportable. He cautioned residents to be careful driving, since the weather was nicer and the children were out playing. There was one accident that resulted in a fatality on Maidencreek Road.

Robert Kopfer stated that he did not appreciate the police chasing speeders through Molltown at 80 m.p.h. Mr. Kopfer felt that there were a lot of kids in that area and it was dangerous for the police to speed there. Mr. Kopfer suggested that if the police set their cars where people could see them, it would be enough to slow down speeders. Officer Drazenovich stated that the police must chase the speeders at the rate the violator is going, and he would take Mr. Kopfer's comments back to the Chief.

Kris Kipp of 305 Faith Drive, Blandon asked the officer to set the speed timing device up on Faith Drive. Randi Brandt stated that people are cutting through Maidencreek Estates and speeding. Officer Drazenovich noted the request and stated that the Department is using the device everyday.

Bill Wiedemann of 239 Spirit Court, Blandon stated that the police were only on Spirit Court with the timing device for 20 minutes one day and they should be there when people are cutting through the development to beat the light at Route 73 and Park Road at 5 p.m. Officer Drazenovich stated that the Department is trying their best. 131 citations were issued last month in Maidencreek alone.

Receiving no other comment from the public or the Board, Mr. Timpe dismissed Officer Drazenovich to return to his duties.

PUBLIC COMMENT

FAITH DRIVE FLOODPLAIN

Kristopher Kipp of 305 Faith Drive, Bandon presented pictures of the flooding that occurs behind his home and asked the Supervisors to do something about the stream bed erosion and the water setting on Township property. Mr. Kipp stated that his backyard is unusable and not what he expected when he purchased a \$200,000.00 home. Mr. Kipp asked that the Township get DEP involved.

Donna Fuerst of 309 Faith Drive, Bandon stated that the standing water is a health issue. Her daughter received 27 mosquito bites from playing outside in one day at their home. The standing water is on Township property and never evaporates.

Tom Unger of Systems Design Engineering stated that there is an erosion problem that can be investigated but overall the area is a floodplain and a wetland. Also, the area has seen two years of very wet weather. The water table is very high.

Mr. Kipp stated that if he would be allowed to build his yard up 32 inches and install a retaining wall, he would have a dry yard. Mr. Unger stated that the Township Floodplain Ordinance prohibits building or fill in the floodplain that will raise the flood elevation more than one foot. In order to build a retaining wall, the Kipps would have to provide a study done by an engineer showing that they can comply with the Floodplain Ordinance. The Floodplain Ordinance is a model ordinance that was required to be adopted in order for Township residents to qualify for flood insurance. Mr. Kipp asked if the Supervisors will make an exception to the ordinance and allow him to build his retaining wall. Mr. Unger agreed to look at getting a DEP permit for stream bank stabilization and will contact the Berks County Conservation District and report back at the May Supervisors meeting.

Randi Brandt of 301 Faith Drive stated that there was never any talk of the floodplain when her house was built. Mr. Unger answered that the ordinance was revised and floodplain elevations established after the Maidencreek Estates Development was constructed.

SMALL BUSINESSES

Dominic Caccese 40 Hayden Circle, Mt. Penn stated that he applied and was refused a special exception to place a small business (Quick Lube Station) in the Commercial Residential District of Maidencreek Township. He saw an article in the paper that Maidencreek aims to attract small businesses in the CR District and that the Township wants to help home based businesses. Mr. Caccese asked what the Township is going to do to help small businesses. Gloria Kemmerer suggested that Mr. Caccese attend the Planning Commission meetings held every second Tuesday to participate in the revisions to the zoning ordinance. Mr. Caccese asked Supervisor Kemmerer what the purpose of helping home based businesses was, since they do not contribute anything to the tax base. Mrs. Kemmerer stated that small businesses may start as in home occupations. Mr. Caccese asked what statistics she had to back this up. Mrs. Kemmerer stated that this was her opinion.

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204 MAIN STREET GARAGE PERMIT

Jeff Gallagher of 240 Main Street, Blandon stated that he is being denied the right to build a garage and wants his money back. Mr. Gallagher stated that he has a legal permit issued by Terry Manmiller. Roy Timpe informed Mr. Gallagher that this matter would be discussed in executive session because it dealt with possible litigation.

MEADOWBROOK MAIL DELIVERY AND NOISE COMPLAINTS

Mike Jensen of 113 Kensington Blvd., Blandon asked the Board of Supervisors to explain dedication of roads because the Post Office will not deliver the mail in Meadowbrook until the roads are dedicated. Roy Timpe stated that the Township does not have control over the Federal Office (Postal Service). Dedication of roads is done near the end of construction of a development because the Township does not want to repair roads that are ruined by construction vehicles. Mr. Jensen stated that the Blandon Post Office is now telling the residents that the future mail delivery may be by the Fleetwood Post Office. The secretary suggested that the residents talk to the developer and Post Office. Sometimes the Post Office will enter into an agreement with a developer requiring the developer to be responsible for snow and ice removal and the Post Office will deliver mail on undedicated roads.

Mr. Jensen requested a sign on Route 222 prohibiting trucks from using their brake retarders.

A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to authorize Keith Shuman and Diane Hollenbach to review the Noise Ordinance and send a letter to Penn DOT requesting permission to post a sign on Route 222 prohibiting the use of brake retarders. Roy Timpe and Gloria Kemmerer voted, "Aye." Robert Kopfer voted, "Nay." Motion carried.

STORMWATER PROBLEM LEE SPRING ROAD

Tina Poole of 19 Lee Spring Road, Blandon asked if there was any progress on correcting the storm water running down Lee Spring Road. Tom Unger stated that he and Keith Shuman had been out, taken pictures and would get with the developer to correct the problem.

DUMPSTER ORDINANCE

Larry Kunkel of 5 Lake Shore Drive, Fleetwood stated that the dumpster at Top Star has been open for two weeks. Mr. Kunkel stated that he refuses to report it anymore because it is not his problem. Mr. Kunkel stated that it isn't right to have rodents and trash because the Supervisors don't want to pass an ordinance.

A motion was made by Robert Kopfer to authorize the creation of an ordinance requiring dumpsters to remain closed.

Gloria Kemmerer stated that the Township can not have the Zoning Officer driving around all day looking for open dumpster. If Mr. Kunkel will not call and report the problem, then Mrs. Kemmerer could not see going to all the expense for another ordinance. Roy Timpe stated that he would second the motion to create a new ordinance if after SDE reviews the Property Maintenance Code, they feel that they can not enforce closing dumpsters with it. Gene Orlando stated that with the Property Maintenance Code, a letter of violation is sent and opportunity given to the property owner to correct the situation. Mr. Unger will make a determination on the

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ordinances that are currently in place or come with samples of dumpster ordinances from other Townships.

MINUTES

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the March 10, 2005 minutes with a correction to page 5 changing the date November 30, 2005 to November 30, 2004 and to approve the April 6, 2005 special meeting minutes as presented. All members voted, "Aye." Motion carried.

ENGINEER REPORT

ROAD BIDS

Tom Unger opened the bids for the 2005 roadwork.

	Total Bid	E. Wesner Rd. Overlay	E. Wesner Rd. Reclamation
EJB Paving	\$302,987.55	\$112,766.00	\$137,633.13
Reading Site Contractors	\$365,314.03	\$138,098.00	\$159,378.33

**Note the overlay price is part of the total bid price, not in addition to the total bid.

Tom Unger stated that he will look at the individual bids and make a recommendation at the next meeting.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to accept the 2005 Road Bids. All members voted, "Aye." Motion carried.

SUBDIVISION AND LAND DEVELOPMENT

Troxel Hill Subdivision

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to accept the request for a time extension for the review of the Troxel Hill Subdivision until June 16, 2005. All members voted, "Aye." Motion carried.

Farm 4

Greg Boggia of Stackhouse and Bensinger, engineer for the developer stated that the revisions had been made to the plan as requested. Gene Orlando stated that the access easement and encroachment easements are being worked on, and the Board of Supervisors must decide if they are going to approve the access to the property from Park Road. Tom Unger stated that SDE reviewed the access and it is acceptable for ingress and egress.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to accept, in accordance with section 1302d of the Maidencreek Township Zoning Ordinance, the access proposed for the Farm 4 Land Development Plan conditional upon the approval of the final plan, signature and recording of the documents the plan references. All members voted, "Aye." Motion carried.

Tom Unger stated that Planning Commission recommended final plan approval of the Farm 4 Land Development Plan conditional upon dimensions being placed on the encroachment easement, plan endorsements, improvements agreement, Board of Supervisors approval of the access, simultaneous recording of the access easement and encroachment easement agreements, a minor note change and approval of the cost estimates. Gene Orlando stated that the

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encroachment easement is for a building that has existed for a long time that is over the property line. The terms of the easements must be acceptable to the Township.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, accepting the withdrawal of the Farm 4 Land Development Plan approved on October, 14, 2004. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval to the Farm 4 Land Development Plan conditional upon dimensions being placed on the encroachment easement, plan endorsements, improvements agreement, the terms of the access easement and encroachment easement agreements being acceptable to the Township, simultaneous recording of the access easement and encroachment easement agreements, a minor note change and posting of financial security in a form acceptable to the Township. All members voted, "Aye." Motion carried.

Melrose Place

A final plan for the Melrose Place Subdivision and Land Development was submitted but was significantly different from the approved preliminary plan. Mr. Folino, the owner, withdrew the previous preliminary plan approval and agreed that the most recent plan submitted would become a preliminary plan. This new plan has better storm water management. The Board tabled any action on the preliminary plan until the developer and his engineer were present.

A motion was made to accept the withdrawal of the Melrose Place Preliminary Plan, which was granted approval on October 10, 2004. All members voted, "Aye." Motion carried.

Plan Updates

Tom Unger stated that a sketch plan for a large greenhouse addition for Esbenshades Garden Center was presented to the Planning Commission and discussed. James Hardie is looking at adding a large addition. Small Self Storage Plan was brought in for review, but the use requires a special exception. The Larken Variance Hearing was held prior to the Board of Supervisors meeting. Mr. Unger suggested the Board ask the Zoning Hearing to wait to have the hearings until they have a chance to review the applications and offer an opinion.

St. Matthews Greek Orthodox Church

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to sign the DEP Planning Module exemption for St. Matthews Greek Orthodox Church Subdivision and Land Development Plan. All members voted, "Aye." Motion carried.

PROJECTS

Hoch Road Culvert

Mr. Unger informed the Board that the permit to replace the Hoch Road culvert expires 12/31/05 and asked the Board what they wished to do.

Pedestrian Bridge

The pedestrian bridge abutments are installed and Perotto Builders has agreed to help install the bridge at no extra cost, since the Township gave them some rebar and the concrete forms.

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Route 222 Storm Water

Mr. Unger spoke with the Reidels regarding their knowledge of any storm water pipes crossing Rte 222 in the area of their property. They have no knowledge of a pipe. The next step would be to televise the pipe to see where it leads. This would cost less then \$2,000.00. This matter was tabled.

Public Water and Sewer

Mr. Unger is working on this.

Ruscombmanor Pipe

Mr. Unger stated that the Township will be receiving a letter from LTL, Ruscombmanor Township's engineering consultant, stating that they have no knowledge of a discharge pipe for sewage from the trailers located off of Lee Spring Road in Ruscombmanor Township.

Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$99,363.74. All members voted, "Aye." Motion carried.

OPERATION'S REPORT

LOCK OUT TAG OUT SYSTEM

The Supervisors were in agreement that Mr. Shuman should purchase what was needed to institute a lock out tag out system and provide training to the road crew.

ALAN DAVIS PROPERTY – HOCH ROAD

Tom Unger reported that Mr. Davis has concerns about storm water from Limestone Village and the Storage Facility eroding his field. Mr. Unger will walk the fence row between the Davis property and Limestone Village to determine where the water should be going. Robert Kopfer asked how the Township can allow storm water to discharge on someone else's property. Mr. Unger stated that if the water always discharged there then it is allowed.

MOWER PURCHASE

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of an Exmark Lazer Z from Passmore Equipment in the amount of \$5,312.99. All members voted, "Aye." Motion carried.

ROLLER

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the sale of the Township Roller by sealed bid. All members voted, "Aye." Motion carried.

TRASHCANS

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the road crew to make trash cans for the Park and Recreation Department. All members voted, "Aye." Motion carried.

BLANDON MEADOWS STREAM WORK

LSR will schedule the work this spring on the Blandon Meadows stream.

SOLICITOR'S REPORT

Gene Orlando stated that everything he had to discuss was executive session material.

TRAFFIC ORDINANCE

Roy Timpe asked Keith Shuman to add a sign that says "Except Local Deliveries" to the No Trucks" signs that were just posted. The Chief of Police has requested a letter from the Township stating that people who bring their work trucks home are allowed to drive on roads posted "no trucks except local delivery" as they are delivering themselves to their homes.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to write a letter to the Northern Berks Regional Police Department granting permission for Township residents to drive their work trucks on roads posted "No trucks except local deliveries" when going to and from their homes. All members voted, "Aye." Motion carried.

TREASURER'S REPORT

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the March 2005 Treasurer's Report and the March 2005 Prepaid Bill List. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to return the James Hardie Inspection Escrow. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to refund the Richmaiden Review Fee Escrow to Betty Fabian in the amount of \$31.21. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to refund the Freight Terminal Review Fee Escrow to F & P Holding in the amount of \$466.80. All members voted, "Aye." Motion carried.

PARK AND RECREATION

PROJECT BIDS

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the engineer to prepare the bid for the Community Park parking area. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the engineer to prepare the bid for the concrete work at the pavilion. All members voted, "Aye." Motion carried.

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the engineer to prepare the bid for the Community Park play structure. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the quote for the overlay of the Community Park Basketball Court from Arlan Wessner in the amount of \$7,450.00. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the Berks County Rock and Roll contract for DJ service at the Maidencreek Car Show. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the purchase of a hot dog roller not to exceed \$500.00. All members voted, "Aye." Motion carried.

The Board discussed a complaint received regarding a resident parking company vehicles in front of the Faith Drive Basketball Court. Kristopher Kipp stated that he lives right there and has not seen anything. Bob Kopfer stated that he did not think the Supervisors should do anything.

EMERGENCY MANAGEMENT

The Supervisors agreed to set up an Emergency Management meeting for April 25, 2005 at 7:00 pm and authorized the secretary to advertise the meeting.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the purchase of a Honda EU 2000 generator from Canns Bilco in the amount of \$849.00 for the purpose of running the traffic light at Route 222 and Route 73 in a power outage. All members voted, "Aye." Motion carried.

NEW BUSINESS

AMEND PENSION PLAN

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Solicitor to review the proposed pension plan amendment. All members voted, "Aye." Motion carried.

ITEMS FOR SEALED BID

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the secretary to advertise used Township equipment for sale by sealed bid. All members voted, "Aye." Motion carried.

SODIUM VAPOR STREET LIGHTS

Met-Ed recommended that the Township switch their Mercury Vapor street lights to Sodium Vapor street lights as they need repair. Sodium Vapor lights are cheaper to run. Members of the Board and public discussed the merits of the white light from the Mercury Vapor versus the yellow light from the Sodium Vapor lights. Most of the public and Supervisor Kemmerer felt that the Mercury Vapor lights provided better brighter lighting. Supervisor Kopfer felt that the light from the Sodium Vapor light was good enough and was in favor of saving money.

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A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize Met Ed to change Mercury Vapor street lights to Sodium Vapor street lights as they need to be repaired. Robert Kopfer and Roy Timpe voted, "Aye." Gloria Kemmerer voted, "Nay." Motion carried.

SNOW PLOWING POLICY

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt the PIRMA Snow Policy for the effective removal of snow and ice from Township Roads as recommended by the Township insurance carrier. All members voted, "Aye." Motion carried.

The Supervisors did not feel that the Township needed to adopt the Insurance Company's Cell Phone Policy.

PENSION AMENDMENT

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the solicitor, to adopt the amendment to the Maidencreek Township Nonuniform Pension as required by Federal law for participant's vested benefits with an actuarial value of greater than \$1,000.00 but less than \$5,000.00 where the participant does not provide the plan with a distribution election that the distribution will be rolled over into an individual retirement account set up in the name of the participant. All members voted. "Aye." Motion carried.

CROSSING GUARD RESIGNATION

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to accept JoLynn Dearholt's resignation effective February 25, 2005. All members voted, "Aye." Motion carried.

ROUTE 222

Fay Isamoyer asked if the Supervisors could request that Penn DOT place a ridge of asphalt along Route 222 to direct the stormwater. The Supervisors authorized this to be included in a letter to PennDOT.

An executive session was called to discuss litigation and personnel issues. 9:27pm to 10:03pm.

LITIGATION

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, authorizing the solicitor to pursue settling the matter discussed in executive session. All members voted, "Aye." Motion carried.

PERSONNEL ISSUES

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to set the policy that all education that requires payment by the Township be approved one month prior to enrolling in the class. All members voted, "Aye." Motion carried.

The Board added that they will not pay for the time it takes for employees to take an online class.

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, approving Keith Guistwite's probationary period to end effective April 1, 2005. All members voted, "Aye." Motion carried.

In answer to an employees question, use of Township cell phones as a phone for personal calls is not permitted even if the employee reimburses the Township for the monthly fee.

In answer to an employee question, the Township will not allow part time employees to purchase health insurance on the Township policy.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the April 14, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:12 PM.

Transcribing Secretary

Cc: Board of Supervisors
Eugene Orlando, Orlando & Strahn, 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, Maidencreek Township Authority Solicitor
Greg Unger, Systems Design Engineering, Inc., Maidencreek Twp Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police