

Maidencreek Township Board of Supervisor Meeting
August 10, 2006, 7:00 PM

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

Guests: Vicki Kline, Rick Kline, Christine Brown, David Brown, Pete Price, Samantha Fox, Randi Peters, Cate Stoltfus, Cindy Stump, Harold Burgert, Krista Timpe, Nicholas Timpe, Charles Voorhies, Doug White, Mike Easton, Scott Unger, Donna Fuerst, Gary Fuerst, Diana Benino, Jack Benino, Lisa Schonberger, Jennifer Lutz, Tony DeAngelis, Paul Martin, Eddy Peng, Lois Ondik

Roy Timpe called the August 10, 2006 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 – tabled.

PUBLIC COMMENT

Lisa Schonberger and Lois Ondik of Hoch Road, Blandon – voiced concerns about the health and safety hazards of water setting in the Park Place Apartment detention basin.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer to send the owner of the pond an enforcement notice to properly maintain the pond. All members voted, "Aye." Motion carried.

Donna Fuerst of Faith Drive, Blandon – brought to the Board's attention that the detention basin in Meadowbrook behind Ken Wither's trailer park allows the water to pour out of it instead of retaining it. Mrs. Fuerst also pointed out to the Board that she has been informed by Northern Berks Regional Police that a moving violation can not be issued within the first 500 feet of the first speed limit sign on Faith Drive as you turn off of Schaeffer Road because Schaeffer Road is 35 m.p.h. and the speed limit changes to 25 m.p.h. on Faith Drive. Mrs. Fuerst questioned Mr. Kopfer as to why he supported making Schaeffer Road 35 m.p.h. in the last traffic ordinance. The chief of police also gave Mrs. Fuerst vehicle data from the recent study done on Faith Drive. Mrs. Fuerst reported that the roadway is being traveled by 6,000 vehicles a week.

Diana Benino of Troy Drive, Blandon – brought pictures of the flooding and damage that her property sustained from the collapse of the detention basin wall on June 23, 2006. The Melrose Place developer's contractor gave her two loads of sand and has refused to do anything else. The Board advised Mrs. Benino that this was a civil matter between herself and the developer. **Tony DeAngelis of Eagle Drive, Blandon** informed the Board that the easiest solution would be for a Board member to approach the developer and ask him to do the right thing.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer to represent the Township and encourage the developer of Melrose Place to mitigate the damage to Mrs. Benino's property at 400 Troy Drive, Blandon. All members voted, "Aye." Motion carried.

Jennifer Lutz of Main Street, Blandon – requested a "No Jake Brake Zone" on Main Street. The noise from the trucks using their jake brakes make her house shake. Vehicles are not driving the speed limit and Ms. Lutz also asked for more speed enforcement. Claude Beaver suggested that the police department set

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the traffic counter up on Main Street near Guldin Road. The Chief of Police had previously informed the Board that jake brakes are considered safety equipment and citations written against their use do not hold up in court.

Ms. Lutz also brought up the high weeds at the property located next to hers. The Secretary stated that two letters were mailed to the property owner in Ohio via certified mail, and the real estate agent was contacted via phone. The real estate agent promised to take care of the problem and indicated that the house was under a sales agreement.

Cindy Stump of Evansville Road, Fleetwood – submitted a letter and pictures from Tina Poole regarding recent washouts along Lee Spring Road.

Charles Voorhies of West Walnut Tree Drive, Blandon – asked the Board for a time extension to the 30 days that he was given by the Township's Code Enforcement Officer to remove an inoperable, unlicensed vehicle from his property. The Board suggested that he move the vehicle in his garage or get it under a tarp. Mr. Voorhies stated that the car is on his property because it is part of a civil suit and his attorney assured him his case will settle in the next 90 days after two years of waiting. After the case settles, Mr. Voorhies stated he can get rid of the car. Gene Orlando stated that nothing prevents the car from being moved in a civil suit. Mr. Orlando asked why Mr. Voorhies thought his case would settle in 90 days if it hadn't settled in 2 years. Mr. Voorhies stated that he has been out of work for sometime and can not afford to pay to store the car elsewhere and his garage is full of his son's stuff after moving home from college. Becoming impatient with the Board's response time, Mr. Voorhies told the Board that he would make the decision for them. The answer was no and thank you very much for their time.

Harold Burgert of East Wesner Road, Blandon cautioned the Board in not allowing the Melrose Place detention basins to be reduced in size. Mr. Burgert asserted that during the July 23, 2006 storm, the pond held 20 foot of water.

Biundo Sketch Plan – representatives for the Biundo Sketch Plan asked the Board if they would consider a waiver to the Subdivision Ordinance which only allows single access street to be 500 feet long and access 20 homes. The plan proposes approximately a 700 foot road, 1 commercial building (a bank) and 31 homes. The original sketch plan called for 24 townhouses on 4 acres, 3 commercial buildings on 1.5 acres and existing buildings located on 1.7 acres along the south side of Route 222 in the Commercial Residential Zone. Penn DOT will not approve a traffic signal for this location and the level of service should be D or better for the intersection. Due to the Penn DOT letter, the developer cut back on the commercial buildings in order to meet the required trips from this site.

Tom Unger of SDE stated that the existing buildings and land on the adjacent site owned by James Deichman should be included in any traffic study submitted to Penn DOT, since the development will provide an access to the Deichman property that did not exist before. Mr. Unger also asked the representatives from Lehigh Engineering if they looked at the storm water for the site. They have not. The Board stated that they would consider the waivers requested but it would be prudent for the developer to have a plan to fall back on that does not require the waivers in case they are not granted.

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APPROVAL OF THE MINUTES

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the July 13, 2006 meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant an extension of review time until December 4, 2006 for Summit Crest Phase 3 Final Plan. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant an extension of review time until November 9, 2006 for the Village at Maidencreek Resubdivision Plan. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Roy Timpe, to grant an extension of review time until November 1, 2006 for the Crossings at Maidencreek Plan. Claude Beaver and Roy Timpe voted, "Aye." Robert Kopfer voted, "No." Motion carried.

Plan Review

Lehigh Cement

A motion was made by Robert Kopfer, seconded by Claude Beaver, to grant waivers to sections 302.F, 303.1, 304.A.2 of the Maidencreek Township Subdivision and Land Development Ordinance for the Lehigh Cement Preliminary Land Development Plan. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to grant waivers to sections 305 and 403 of the Maidencreek Township Storm Water Ordinance for the Lehigh Cement Preliminary Land Development Plan. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant preliminary plan approval to the Lehigh Cement Land Development Plan conditional upon completion of the items outlined in the Systems Design Engineering August 4, 2006 review letter: water resource study and erosion and sedimentation plan approval. All members voted, "Aye." Motion carried.

The engineer advised the developer that though construction could begin at the preliminary plan stage, all preliminary plan approval conditions must be completed before construction could begin.

Street Dedications

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to prepare a resolution and deed of dedication upon receipt of the legal description from Systems Design Engineering for streets in Meadowbrook Phase 1 and 2, Shadow Ridge Phase 3, and TreeTops Phase 3. All members voted, "Aye." Motion carried.

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Ingot Drive – Mr. Orlando stated that the incorrect legal description was recorded when Ingot Drive was dedicated. Mr. Orlando is preparing a new deed of dedication and submitting it to the developer, Tighe Holdings.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer to prepare a legal description for Ingot Drive. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to prepare a deed of correction and deed of dedication for Ingot Drive. All members voted, "Aye." Motion carried.

Projects

Hoch Road Culvert – Nothing to report.

Act 537 Plan, Phase 2 – Systems Design will set up a meeting with Paul Curry of the DEP and the Township.

Community Park Tot Lot Bids – The structure is up and the safety surface material will be installed next week.

Township Building Roof Bids

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the chairman to sign the contracts for repair of the Township roof by Rainbow Roofing in the amount of \$38,000.00. All members voted, "Aye." Motion carried.

2006 Road Bids – Street work has been completed.

Inflatable Pools – A complaint has been received by the Township regarding several inflatable pools in Meadowbrook. The Uniform Construction Code requires pools with more than 24 inches of water and a wall height of less than 48 inches to be fenced. Letters will go out to homeowners regarding these regulations.

Route 222 Meeting – Mr. Unger attended a meeting on Route 222 corridor. Penn DOT wants to work with the Township to restrict access points and preserve as much of the right of way as possible. They will be focusing on road widening and bypassing intersections as the means of improving the Northern Corridor instead of a full bypass.

Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$491,551.41. All members voted, "Aye." Motion carried.

OPERATIONS REPORT

Route 222 Task Force – Keith Shuman reported that the Route 222 Task Force will be looking for a consultant in October and estimates that the road will be improved and open for travel in 2024.

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Snow Fence on Vacant Lot on Route 222 Adjacent to TopStar – Mr. Shuman stated that the Township has received a complaint that the snow fence the Township installed to stop trucks from parking on the vacant lot beside Top Star is in need of repair. The Board instructed Mr. Shuman that they no longer wish to maintain the fence and to take it down.

Bleachers at Blandon Ball Field

A motion was made by Claude Beaver, seconded by Robert Kopfer, upon Keith Shuman's recommendation, to authorize the removal of the bleachers at the Blandon Fire Company Ball Field. All members voted, "Aye." Motion carried.

Cement Mixer

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the purchase of a 3.5 cubic foot cement mixer with the cost not to exceed \$350.00. All members voted, "Aye." Motion carried.

FEMA Assistance – Mr. Shuman reported that he is looking into stream remediation grants for Cornerstone Drive. The Township has been able to secure \$7,200 in aid from PEMA to cover the cost of cleaning out the culvert at Cornerstone Drive.

Tree Removal Cornerstone Tot Lot

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the removal of a tree from the stream at the Cornerstone Tot Lot with the cost not to exceed \$620.00. All members voted, "Aye." Motion carried.

SOLICITOR'S REPORT

Complaint Forms – Mr. Orlando determined that complaint forms are not considered a public record.

Biosolid Ordinance

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to review the testimony and exhibits from the Biosolids Ordinance public hearings and revise the ordinance if needed based upon his findings. All members voted, "Aye." Motion carried.

Recycling Bid

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to review the recycling bid documents and advertise the invitation to bid with bidding ceasing September 12, 2006 and the bids opened at 7:15 p.m. on September 14, 2006. All members voted, "Aye." Motion carried.

Park & Recreation Ordinance

Stephanie Dake explained that she took the two park and recreation ordinances adopted in the past and combined them to govern activity in the Township open space and all recreation areas. The ordinance now includes prohibiting paintball guns, BB guns and pellet guns in the recreation areas. The Board added a line to require pet owners to clean up after their pets and to allow containers designed for cooking.

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A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the solicitor to advertise the amended Park and Recreation Ordinance and public hearing for 6:45 p.m. on September 14, 2006. All members voted, "Aye." Motion carried.

Resolution 21-2006 Zoning Hearing Board

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Resolution 21-2006 designating the members and terms of the Zoning Hearing Board. All members voted, "Aye." Motion carried.

TREASURER'S REPORT

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the July 2006 Treasurer's Report and approve the June 2006 Prepaid Bill List. All members voted, "Aye." Motion carried.

PARK AND RECREATION

Blandon Fire Company Bridge

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the removal of the pedestrian bridge at the Blandon Fire Company for safety reasons. All members voted, "Aye." Motion carried.

NEW AND OLD BUSINESS

Codification – Tabled until the end of the year 2006

Planning Commission Revision to the Zoning Ordinance – Roy Timpe stated that he was happy to see the Zoning Ordinance revision drafts but had two comments. Mr. Timpe felt that churches and schools should be permitted uses by right instead of by conditional use. In other areas, home schoolers have been harassed by Township's zoning. The Township would also not want to be restrictive of small Mennonite churches and schools.

NIMS

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to send the Maidencreek Township Authority a letter requesting that they begin the mandatory NIMS training for their staff in order for the Township to be in compliance by the September 30, 2006 deadline. All members voted, "Aye." Motion carried.

Resolution 22-2006

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Resolution 22-2006 to appoint Rita Agnetti as the Township's designated agent for PEMA grant matters. All members voted, "Aye." Motion carried.

Resolution 23-2006

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Resolution 23-2006 to appoint Keith Shuman as the Township's designated agent for PEMA grant matters. All members voted, "Aye." Motion carried.

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Comcast Franchise Letter – tabled for more information.

Personnel Committee Meeting - Roy Timpe suggested that a budget workshop should be held with the personnel committee meeting on Thursday, August 17, 2006 at 7 p.m.

Health Insurance Renewal

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the Chairman to sign the 2006-2007 Highmark Blue Shield Employee Health Insurance Renewal. All members voted, "Aye." Motion carried.

Executive Session – 10:20 P.M. to 10:25 P.M. for real estate issues

Since there was no further business, a motion was made by Robert Kopfer to adjourn the August 10, 2006 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:26 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, 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