

Maidencreek Township Board of Supervisors
April 8, 2004, 7:00 P.M.

Attending: Roy Timpe, Robert Kopfer, Gloria Kemmerer, Eugene Orlando, Jr. - Solicitor, Orlando & Strahn, Tom Unger – Engineer, Systems Design Engineering, Inc., Terry Manmiller – Operations Director, Diane Hollenbach – Recording Secretary

Guests: Scott T. Miller, Steve Ross, Steve Bong, Richard Wick, Mr. & Mrs. Donald Leibensperger, Tim Krall, Vicki Krall, Fay Isamoyer, Jacob Hayward, Jason Belovich, John Belovich, Craig Bonenberger, John Kosmerl, Ron Kemmerer, J. Schoellkopf

Roy Timpe called the April 8, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors to order at 7:03 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

Police Report

Officer Drazenovich presented the Northern Berks Regional Police report for March 2004. There were 805 patrol hours covering 7019 miles, 639 assignments of which 285 were in Maidencreek. 217 citations were issued, 110 of them in Maidencreek Township and a total of \$2,942.00 in fines from the District Justice. Officer Drazenovich asked if there were any questions. Sherri Leibensperger stated that she has been in two accidents, both of which were not her fault, at the intersection of Guldin Road and Main Street and asked if the police have found a great number of incidents at this location. Officer Drazenovich did not recall any other accidents except the two Mrs. Leibensperger mentioned. Don Leibensperger suggested a turning lane be installed or reducing the speed limit in that area of Main Street. Tom Unger, Township Engineer from Systems Design Engineering, Inc. stated that a traffic study would need to be completed by Penn DOT in order to lower the speed limit on Main Street. Roy Timpe, Chairman of the Board of Supervisors, asked if the airbag was deployed and the electronic data was taken from the car. Officer Drazenovich stated that the data is only taken from cars in more serious accidents.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to request a traffic study from Penn DOT on the possibility of lowering the speed limit on Route 73 (Main Street, Blandon) in the vicinity of Guldin Road. All members voted, “Aye.” Motion carried.

Chairman Timpe thanked the officer for taking time to present the report and dismissed him from the meeting.

Announcements - None

Public Comment

Diane Hollenbach stated that two comments were phoned in for the meeting. Tina Poole of Lee Spring Road wanted to make the Board aware that UGI dug up her driveway and cold patched it but still needs to come back and restore the driveway to how it was before. Mrs. Poole also wanted to make the Board aware that there are big cracks in both sides of Lee Spring Road. Mrs. Poole talked with Terry Manmiller on March 26, 2004, and Mr. Manmiller told her that she should be getting a letter from UGI and that there would be a meeting with UGI that she could attend. Mrs. Poole has not received a letter nor been informed as to when the meeting will take place. Mr. Manmiller stated that the meeting took place the next day and someone knocked on Mrs. Poole’s door but no one answered. The meeting took the place of the letter.

Diane Hollenbach stated that the last public comment was from Tom Kanuk of Birdsboro Borough. Mr. Kanuk would like Maidencreek Township to become involved in a class action lawsuit against Service Electric Cablevision in order to control rates of service. Robert Kopfer, member of the Board of

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Supervisors, stated that Pleasant Hill Road is the only road that does not have cable. The Board decided not to join the class action lawsuit.

Approval of the Minutes

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the March 11, 2004 Regular Meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the March 18, 2004 Regular Meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

Engineer's Report

Subdivision Review Status Checklist

Tom Unger of Systems Design Engineering, Inc. reported that all plans are current.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to reject the Melrose Place Final Plan unless a time extension request was received. All members voted, "Aye." Motion carried."

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to reject the Richmaiden Subdivision Plan unless a time extension request was received. All members voted, "Aye." Motion carried.

All Letters of Credit are Current.

Subdivisions

TreeTops Phase III Preliminary Plan – Tom Unger distributed SDE's action letter dated April 8, 2004 on the TreeTops Phase III final plan. Mr. Unger reported that the Planning Commission recommended Final Plan approval with contingencies of the TreeTops Phase III Final Plan. The recreation issue has been resolved. Cost estimates have been approved and the Maidencreek Township Solicitor, Eugene Orlando of Orlando and Strahn is working on the Improvements Agreement.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval to the Tree Tops Phase III final plan contingent upon the developer entering into Improvements Agreement with the Township, all endorsements completed on the final plan and posting financial security in a form acceptable to the Township. All members voted, "Aye." Motion carried.

James Hardie – Tom Unger distributed SDE's action letter dated April 8, 2004 on the James Hardie/Cemplank final as-built plans. The Maidencreek Township Planning Commission has recommended final plan approval of the plan with conditions. Mr. Unger reported that all conditions have been completed, but since the Planning Commission meeting, the applicant has submitted a waiver request from section 513.F.4.f of the Maidencreek Township Subdivision and Land Development Ordinance. This section of the SALDO requires a full foot of free board for the detention basins. The detention basin is existing and designed for a 100-year storm. Tom Unger explained that the free board is an extra safety measure. Terry Manmiller stated that there is a minimum amount of water in this detention basin during a hard storm.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 513.F.4.f of the Maidencreek Township Subdivision and Land Development Ordinance for the James Hardie/Cemplank Final As Built Plans. All members voted, "Aye." Motion carried.

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval to the James Hardie/Cemplank final plan. All members voted, "Aye." Motion carried.

Henry's Lots Subdivision and Annexation Final Plan - Tom Unger distributed SDE's action letter dated April 1, 2004 on the Henry's Lots Subdivision and Annexation Final Plan. The Maidencreek Township Planning Commission has recommended final plan approval. Mr. Unger stated that the only outstanding items are a waiver recommendation from section 303.F, Site Analysis Plan, of the Maidencreek Township Subdivision and Land Development Ordinance and PA DEP Planning Module Exemption.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 303.F of the Maidencreek Township Subdivision and Land Development Ordinance for the Henry's Lots Subdivision and Annexation Final Plan. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the secretary to sign the Planning Module Exemption Form for Henry's Lots Subdivision and Annexation Final Plan. All members voted, "Aye." Motion carried.

Projects

TreeTops TotLot - Mr. Unger reported that Smith and Smith has promised to complete the TreeTops Tot Lot outstanding items by the last week of April.

Community Park Pedestrian Bridge – Tom Unger stated that the bridge has been staked out.

Community Park Trails – E J Brenneman will hopefully complete the trails soon.

Community Park Ball Field – No action

Revision to Street Lighting Ordinance – Mr. Unger stated that he has met with Terry Manmiller to work up the revisions to the paving and lighting ordinance.

Act 537 Plan – Mr. Unger stated that a comment letter from Ruscombmanor Township has been received on Maidencreek Township's Act 537 Plan. Berks County Planning Commission will be discussing it at their next meeting and may have minor comments.

NPDES II – Nothing to report.

Statewide Building Code – Nothing to report. Roy Timpe asked what code the permits submitted after April 9, 2004 would fall under. Tom Unger answered that all permits would fall under the Township's current code until the Township formally opts in and adopts the Uniform Construction Code.

Lutz Property Storm Water Complaint – Tom Unger presented the Board with a draft letter addressing the storm water complaint from Mr. Lutz of East Wesner Road, Blandon. Mr. Unger asked the Board to review the letter and comment on it. Mr. Unger's research showed that the Golden Manor I recorded plan, which was approved June 14, 1998, shows a storm water pipe crossing East Wesner Road and discharging onto Lot 65 of the Walnut Manor Subdivision. The Walnut Manor recorded plan, which was approved September 13, 1998 and was created by the same developer as Golden Manor, is subject to the storm water approved for the Golden Manor I plan. Mr. Lutz purchased Lot 65 and the storm water issue should be addressed by Mr. Lutz

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with the seller of the property. Gloria Kemmerer questioned if there was a design alternative. Mr. Unger stated that there was not but the swale could be addressed better.

Subdivision Improvement Agreement and Letter of Credit/Escrow Release Letters

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the Letter of Credit and Escrow Release Letters in the amount of \$2,480.77. All members voted, "Aye." Motion carried.

2003 Township Audit – John Kosmerl of Kosmerl and Co. presented the 2003 audit of the Township finances and issued a good opinion of the financial statements for Maidencreek Township. 96 percent of the real estate taxes were collected. No fund exceeded its budget. The Township records were kept in an orderly fashion and there were no unanswered questions. Mr. Kosmerl presented the client representation letter and a communication letter.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the client representation letter and accept the 2003 audit of the Township's finances. All members voted, "Aye." Motion carried.

Operations Report

Street Sweeping – Terry Manmiller stated that street sweeping will occur April 15 through April 17 and "No Parking" signs will be posted on April 12 and 13.

NPDES Permits – Mr. Manmiller reported that he attended an all day class on S4 permits. The PA DEP does not want substances to flow into the storm sewers, which lead to streams and then to aquifers. The Township can no longer wash their trucks in the garage and allow the oil, salt and fuel to flow into the drains in the floor. The Township fueling station requires a roof. The Township will have to begin monitoring the weight of particles swept up off the streets in the spring. Material cleaned out of catch basins must be properly disposed of. All catch basins will have to be labeled "No Dumping".

Heating Oil Leak - Terry Manmiller reported that the Township building is still using the auxiliary heating oil tank. Roy Timpe asked for an estimate to install an aboveground tank and added that he would like the problem taken care of this summer.

NPDES (further comment) – Terry Manmiller stated that the Blandon Fire Company would also have to follow the new NPDES regulations. Berks County has formed a council and Terry Manmiller stated that he has a private meeting with them. PA DEP suggested taking trucks to a truck wash. Mr. Manmiller was instructed to obtain pricing on this. PA DEP is also suggesting sweeping the streets four to five times per year. Mr. Manmiller stated that he is going to suggest that the Berks County Purchasing Council purchase a street sweeper to share among the municipalities.

Solicitor's Report

Village at Summit Crest - Gene Orlando stated that Chris Bradley, owner of the Village at Summit Crest, has requested changes to the recorded Martin Retirement Village Final Plan for slant curb, a different street name and a different landscaping plan. An agreement has been drafted by Mr. Orlando and sent to Mr. Bradley's attorney. Since that time, Mr. Bradley has requested to eliminate the approved streetlights in the new section of the Retirement Village and install a noncontrolled lamppost at the end of each unit's driveway that is a higher wattage light than the streetlights. The lights will be energized from each home. The streetlight

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at the intersection of Lee Spring Road and Retirement Drive will remain. Mr. Bradley and the Board of Supervisors agreed to the following changes in the agreement:

- 1.Improvements will be completed and Final As Built Plans submitted to the Township for review by November 16, 2004.
- 2.A written agreement must be obtained from Tina Poole for her approval of the new landscaping plan.
- 3.The landscape and street lighting exhibits must be attached to the agreement.
- 4.Stan Stubbe must review the lighting plan for compliance with the Townships subdivision and land development ordinance.
- 5.The changes that are being proposed by the developer must be placed in the sales literature for the Village at Summit Crest.

Gene Orlando stated that he would finalize the agreement once he receives the exhibits. Mr. Bradley asked if there were any other concerns and informed the Board that he is in the process of submitting permits for the placement of three units. Mr. Bradley stated that he will be setting the units on concrete slabs and is placing the units in accordance with the recorded plans. The Board agreed that permits could be issued but should have noted on them that occupancy cannot occur until the agreement between the Township and Mr. Bradley is completed.

Mike Delong of Hill Road asked by what route the trailers were to be delivered and stated that the corner of his yard is being continually driven over making it difficult to mow. Mr. Bradley stated that he would talk to the manufacturer of the homes about their delivery route.

Smith Quiet Title – Mr. Orlando stated that after reviewing the answer to the Smith Quiet Title, he forwarded comments and changes to Chris Gerber, the attorney responsible for the draft.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the chairman to sign the Smith Quiet Title Answer upon the satisfactory review of the Township solicitor. All members voted, “Aye.” Motion carried.

Uniform Construction Code – Mr. Orlando stated that he couldn’t finish drafting the UCC ordinance without further direction from the Board. The Board has four choices when opting in:

- 1.Hire an employee to be the Municipal Code Official
- 2.Designate and retain a third party agency
- 3.Contract with another municipality
- 4.Enter into a joint municipal agreement

Mr. Orlando stated that there has been no response from the surrounding municipalities to the letter he previously sent on joint municipal enforcement of the UCC. Mr. Orlando stated that he would like to strive to adopt the UCC ordinance in June. Roy Timpe stated that he would like to have the hearing in June but adopt the ordinance later to allow residents to get their permit applications in under the existing code. The Board asked Tom Unger and Terry Manmiller’s opinion on how they saw the UCC administered and enforced in Maidencreek Township. Tom Unger stated that he would suggest that the Township receptionist continue to take phone calls regarding permits and inspections and type the permits. Terry Manmiller would administer the code. Systems Design Engineering would do plan review and the inspections. The Township Code Administrator, Terry Manmiller would issue the permit once approval was received, issue the certificate of occupancy, and collect the money. The Code Official, Systems Design Engineering, Inc., would do the inspecting and have office hours at the Township Building two days per week – one day in the morning and one day in the afternoon.

The Board agreed to schedule a workshop on the Uniform Construction Code and a hold joint Planning Commission/Board of Supervisors meeting on revisions to the Comprehensive Plan, Zoning

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Ordinance and Subdivision and Land Development Ordinance. The dates of May 5th for the joint meeting and May 6th for the UCC Workshop were picked with the meetings to begin at 7 P.M. The secretary was instructed to contact the Planning Commission for their availability and report back to the Supervisors at the next week's meeting.

Traffic, Sidewalk and Road Ordinance – Mr. Orlando reported that he is waiting for input from Mr. Manmiller and Mr. Unger.

Parking Ordinance – Mr. Orlando reported that the draft revisions to the Parking Ordinance were submitted to the Board for review and comment.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Solicitor to improve the definitions and overall wording in the Parking Ordinance at his discretion. All members voted, "Aye." Motion carried.

Martin Retirement – The Solicitor reported that the Martin Sewage violations have been resolved, all fees paid and the citation withdrawn. Gloria Kemmerer thanked Mr. Orlando for all the work he did behind the scenes. Roy Timpe stated that the Solicitor was clever in making the Township whole in this matter. Mr. Orlando stated that God was active in the resolution of this matter.

Cable Franchise Renewal – Mr. Orlando asked the Board what their wishes were in the Cable Franchise Renewal. The Board authorized the secretary to advertise a public hearing for the renewal of the cable franchise agreement for May 6, 2004 at 7:00 P.M.

Treasurer's Report

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the Treasurer's Report as presented. All members voted, "Aye." Motion carried.

Old Business

Perry Township Winter Maintenance Agreement

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt Resolution 12-2004 adopting the Winter Maintenance Agreement with Perry Township. All members voted, "Aye." Motion carried.

Plumbing Inspector's Request – Roy Dreibelbis, Maidencreek Township Plumbing Inspector, has requested that the Township purchase three UCC Code books and send in the paperwork to grandfather him as an inspector for the UCC. Terry Manmiller stated that he has told Mr. Dreibelbis previously that the books are in the office, and he may come in at any time to look at them. Mr. Manmiller added that depending on what the Board decides to do, Mr. Dreibelbis would not be doing the Maidencreek Township plumbing inspections unless he is working for Systems Design Engineering. No action was taken on the request.

Maidencreek Township Authority Letter – The Authority sent a letter requesting that the Township septic tank be pumped every other week and an inexpensive float with an alarm be installed on the tank due to the continuing problems with the septic overflowing. Terry Manmiller stated that the cost of installation of the alarm would be large and would need to be contracted out. The Board authorized Mr. Manmiller to obtain quotes.

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New Business

Bus Stop Ahead Sign

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the installation of "School Bus Stop Ahead" signs at the bus stop located at 78 Berk Road. All members voted, "Aye." Motion carried.

Tax Claim Free and Clear Sale

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, authorizing the Secretary to sign the petition from Berks County to sell property at Judicial Sale. All members voted, "Aye." Motion carried. The property in question is the parking areas for the Golden Manor III Townhouses.

Township Planning Association Membership

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the payment of dues for one full membership and subscription and four partial memberships and subscriptions to the Township Planning Association for the Maidencreek Township Planning Commission Members. All members voted, "Aye." Motion carried.

Lehigh Cement – A letter has been received regarding an application from Lehigh Cement to use alternative fuels in their kiln. The Board instructed the secretary to fax a copy of the letter to the engineer and authorized the engineer to look into the matter and report to the Board at the next meeting.

Fleetwood Bank – A letter has been received from engineers for the First National Bank in Fleetwood requesting information on what the process is to expand their parking lot.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, authorizing Terry Manmiller to send a letter in response and request a drawing of the proposed expansion. All members voted, "Aye." Motion carried.

Creation of a State Liquid Fuels Equipment Money Market

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, authorizing the secretary to open a money market account for State Liquid Fuel funds earmarked for equipment purchases and transfer \$29,136.67 of the 2004 State Liquid Fuels allotment into the money market and when the certificate of deposit matures in May, deposit \$28,308.88, which is the 2003 State Liquid Fuel allotment, into the money market account. All members voted, "Aye." Motion carried.

Park and Recreation

Yearly Inspections of Township Play Equipment – The Park and Recreation Board requested that the Operations Director perform yearly inspections of the playground equipment. Terry Manmiller stated that he does this monthly. Diane Hollenbach stated that the Park and Rec Board would like to see the reports. Mr. Manmiller stated that would be a waste of paper but would copy the reports.

Mowing of Community Park Ball Fields and Ontelaunee Heights Ball Field – The Park and Rec Board requested that the Community Park Ball Fields and Ontelaunee Heights Ball Field be mowed twice per week. Mr. Manmiller stated that this was not practical, and that he proved to the road crew last year that the problems with the grass came from them mowing too fast. No action was taken.

413 Chestnut Street – The Park and Rec Board requested that the Zoning Officer take the necessary steps to have the owner of 413 Chestnut Street clean up their property; since, their garbage is blowing onto the Blandon Fire Company Playground. Mr. Manmiller stated that if he does this, he will have to cite the

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Township since the trash and debris is on Township property. Diane Hollenbach stated that the Park and Recreation Board would like 413 Chestnut Street cleaned up so the trash does not blow over and asked that Mr. Manmiller enforce the Property Maintenance Code. Mr. Manmiller stated that he could not talk further about this property because of ongoing litigation. No action was taken.

DJ Contract for Car Show – Gene Orlando reviewed the DJ contract and advised the Board not to sign it. Mr. Orlando will suggest revisions to the contract to the Secretary.

YMCA Summer Playground Contract

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the YMCA Summer Playground contract. All members voted, “Aye.” Motion carried.

Community Park Basketball Standards

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of four basketball standards and nets not to exceed \$2,924.00 once three quotes have been obtained. All members voted, “Aye.” Motion carried.

Dead Tree in Grove Road Open Space – The Park and Rec Board requested that a dead tree be removed from the Grove Road Open Space. Terry Manmiller stated that every year he and the road crew begin in the open space behind Chairman Roy Timpe’s house and work their way through all the open space areas removing dead trees and debris. No action was taken.

Trash Can Purchase

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of 4 plastic trashcan inserts from Upbeat Inc. All members voted, “Aye.” Motion carried.

Blandon Ball Field Lights – The Park and Rec Board requested that the ball field light be installed at the Blandon Fire Company Ball Field. The light and pole blew down in October of 2003. Gloria Kemmerer stated that she thought that an emergency meeting had been called the Friday after the storm to authorize this repair. Mr. Manmiller stated that the meeting only dealt with installing temporary lighting so that the Blandon Frolic could be held. The light cannot be installed until the ground firmed up because a crane must be used to place the light on the pole.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the installation of the light at the Blandon Fire Company Ball Field once the ground had firmed up. All members voted, “Aye.” Motion carried.

Mulch Purchase

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of playground safety mulch as needed for the Township play areas. All members voted, “Aye.” Motion carried.

Executive Session 10:00 pm to 11:25pm

Roy Timpe stated that issues for discussion in executive session were personnel issues and litigation.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Solicitor to take action on litigation previously authorized for the secretary to take action on. All members voted, “Aye.” Motion carried.

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to cancel the April 15, 2004 regularly scheduled meeting of the Board of Supervisors. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, to adjourn the April 8, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors. Roy Timpe adjourned the meeting at 11:30 P.M.

Diane Hollenbach, Recording Secretary – April 14, 2004

Cc: Board of Supervisors
Terry Manmiller, Operations Director
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 Township Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police