

**Maidencreek Township Board of Supervisors
January 5, 2004, 7:37 P.M.**

Attending: Roy Timpe, Robert Kopfer, Gloria Kemmerer, Thomas Unger – Engineer, Systems Design Engineering, Inc., Terry Manmiller – Operations Director, Diane Hollenbach – Recording Secretary

Guests: Joseph Rudderow III, Walter Greth, Fay Isamoyer, Cindy Stump, Jacob Hayward, Trisha Moser, Ronald Kemmerer, Sr., Jason Belovich, John Belovich, Larry Kunkel, Ed Carlson

Roy Timpe called the January 5, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors to order at 7:37 PM in the Maidencreek Township Municipal Building.

Police Report – tabled

Announcements – Congratulations were extended to Randy Wolfe and Joe Rudderow III for earning their Master Planners Certification through Albright College Center for Community Leadership. Joe and Randy completed courses on Community Planning, Zoning Administration and Subdivision and Land Development Review.

Public Comment – none

Approval of the Minutes

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the December 11, 2003 minutes of the Maidencreek Township Board of Supervisor’s meeting with the following corrections: page 1, third paragraph change December 12 to December 11; page 2, change the reorganization date to 2004 from 2003. All members voted, “Aye.” Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the December 18, 2003 minutes of the Maidencreek Township Board of Supervisor’s meeting as presented. All members voted, “Aye.” Motion carried.

Engineer’s Report

Tom Unger of Systems Design Engineering, Inc. stated that all plans are current. Bedrock Stone and Stuff needs to be discussed with the Solicitor to see how to remove the plan from the Township planning process. Cemplank is constructing their facility with preliminary plan approval. There has been no action on Melrose Place. TreeTops Phase III has waiver requests and Planning Commission recommended conditional preliminary plan approval. Your Childrens First Day Care has preliminary plan approval and Richmaiden Golf Course has not submitted revised preliminary plans for review.

Mr. Unger stated that the letters of credit for Weaver’s Bike Shop and Mohammed Farvardin will expire in January but have an automatic renewal unless the banks notify the Township of cancellation.

Subdivisions

TreeTops Phase III

Mr. Unger presented two waiver requests for TreeTops Phase III. Waiver one was from section 504.B of the Maidencreek Township Subdivision and Land Development Ordinance to allow a 10 percent slope approximately 150 feet from Acer Drive to the driveway of lot 38 and wavier two was from section 508.3 of the Maidencreek Township Subdivision and Land Development Ordinance to waive the width to

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depth ratio for lots 38, 42, 43, 46 and 52. The Planning Commission recommended that the Supervisors grant each waiver.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 504.B of the Maidencreek Township Subdivision and Land Development Ordinance to allow a maximum of 10 percent grade for the portion of proposed driveway of Lot 38 that lies further than 150 feet from Acer Drive. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 508.3 of the Maidencreek Township Subdivision and Land Development Ordinance to allow lots 38, 42, 43, 46 and 52 to exceed the lot width to depth ratio. All members voted, "Aye." Motion carried.

Mr. Unger asked that the applicant address the Planning Commission's conditions for preliminary plan approval before the Board of Supervisors looks at granting the TreeTops Phase III plan preliminary plan approval. Rea Gehret of McCarthy Engineering requested that the Board authorize either the chairman or the secretary to sign the DEP planning module exemption form. The Maidencreek Township Authority representative signed the exemption, which states that the Authority's facilities have capacity for the additional homes in TreeTops Phase III and there is no projected overload for the next five years.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the secretary to sign the DEP planning module exemption form as presented. All members voted, "Aye." Motion carried.

Projects

Mr. Unger reviewed the current projects with the Board. The Township is holding five percent of the money owed for the TreeTops Tot Lot until an owners manual and letter certifying the depth of the safety surface material are received from the contractor. The Comprehensive Plan needs to be advertised for a public hearing. The Board tabled action on the Comprehensive Plan until such time as the Solicitor was present. Roy Timpe suggested to Robert Kopfer that the farming community look at the Comprehensive Plan before the Supervisors adopt it.

Gloria Kemmerer stated that the Board has received the Richmond Township proposed Zoning Amendments and questioned if the Board wished to discuss the extension of Richmond Township's commercial zoning to the Maidencreek Township line at Richmaiden Road. Robert Kopfer stated that the commercial zone was only 300 feet deep and that there wasn't any farmland in the proposed change.

Mr. Unger continued with his report. There were no Letter of Credit or escrow release letters for approval and the SEO Report and Construction Report were attached for the Board to read at their leisure.

Lehigh Cement

A letter was received notifying the Township that Lehigh Cement had submitted a permit application to the PA DEP to convert their existing long dry kilns to more efficient single stage preheater configurations. The Township has thirty days to comment. Mr. Unger contacted the local DEP office and was told that the process would improve the air quality; however, Mr. Unger felt that since the Township had not received a copy of the permit application, the thirty day comment period should not start until the complete application was received.

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Engineer to request the Lehigh Cement permit application and conduct a "reasonable" review. All members voted, "Aye." Motion carried.

Statewide Building Code

The statewide construction code is expected to be advertised this month. After it is advertised, the Township will have 180 days to decide to opt in or out of enforcing the code.

Meeting Date

The Supervisors agreed that their second monthly meeting for January would be held on Thursday, January 15, 2004 at 7:00 PM. Any outstanding items from this agenda would be discussed at that time.

Greth Hearthstone Assisted Living

Walter Greth, developer of the Hearthstone Assisted Living facility proposed for the Heffner Industrial Tract on Dries Road, stated that he had received a special exception from the Zoning Hearing Board to construct the facility in the Industrial Zoning. One of the conditions of the hearing decision was that the plan must go through land development. Mr. Greth requested that the Board waive this requirement. Mr. Timpe stated that the Solicitor had advised the Board of Supervisors that they can not waive a decision of the Zoning Hearing Board. The Supervisors agreed that the plan could be submitted as a final plan, since the Heffner Tract had already gone through land development, and the storm water calculations had been done. Joe Rudderow added that the Planning Commission would like a chance to look at the plan and comment.

Willow Gardens Lot 133

Walter Greth explained that Lot 133 in the Willow Gardens subdivision was supposed to have easement granted to the Township for access to recreation areas. Unfortunately, Mr. Greth cannot get clean title to the land and the only way to rectify the situation is to put the lot up for tax sale. Mr. Greth stated that he had been paying the taxes ever since he acquired the lot and has been maintaining the lot. Whoever acquires the lot at the sale will have to go through land development with the Township in order to develop the lot and the easement issues can be addressed at that time.

**Operation Director's Report
Truck Purchase**

Terry Manmiller, Operation's Director for Maidencreek Township, presented the Board with a proposal from Cumberland Truck to purchase a 2004 GMC 37.3 GVW for \$80,600.00 at a 4.6% interest rate through the Municipal Lease Program. The truck will take seven months to receive once ordered. The Township would sell Unit #4, which just incurred a \$1,800.00 bill for repairs. Mr. Manmiller stated that he would like to purchase the new truck using a five-year lease with a \$1.00 buyout at the end of the five years. Mr. Manmiller will need the Solicitor's help to prepare the necessary resolutions to purchase the truck through this program.

Mr. Manmiller also informed the Board that David Saint is out of work with a non work related injury and the amount of time Mr. Saint will be out is unknown but somewhere between 2 and 8 weeks.

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Operation's Director to proceed with the necessary action to purchase a 2004 GMC truck on a 5 year lease from Cumberland Truck through the Municipal Lease Program. All members voted, "Aye." Motion carried.

Golden Manor II Storm Water

Mr. Manmiller stated that corrections to the Golden Manor II storm water system are complete. LSR did the work and per a conversation Mr. Manmiller had with Chris Gerber, the costs of the corrections can be taken from the Golden Manor III escrow account.

Ontelaunee Heights Street Lights

Mr. Manmiller informed the Board that two of the streetlight repairs were completed in Ontelaunee Heights and the streetlights are on. There is one other light that is waiting for parts. The developer of Ontelaunee Heights did not use direct burial wire or conduit when installing the street lights. Tom Unger suggested changing the ordinance to require the wire be placed in conduit and buried "X" amount of feet from the transformer.

Standing Water Issues in Open Space

Brian Herber from Berks County Conservation District will meet with Mr. Manmiller to review the standing water in the open space between Cornerstone Drive and Faith Drive.

Pest Control

The Authority has agreed to pay for half of the Ehrlich pest control bills.

Hoch Road Stop Sign

Robert Kopfer asked the Board to look at changing the stop sign at Hoch and East Wesner Road to a stop – right turn keep moving sign. The Board felt that the Solicitor could render an opinion on the need for a traffic study and to ask the Northern Berks Regional Police Chief's opinion on the matter.

Old Business

Floodplain Recommendations

The Board received action items from the Berks County Conservation District from a meeting held with the Conservation District and Township officials in August. The Board instructed the Secretary to 1.) obtain a copy of a typical Memorandum of Understanding with the Conservation District for floodplain building review, and 2.) order the missing floodplain maps. The new statewide building code will have permits that have floodplain questions on it and address the third and last action item on the Conservation District's letter.

New Business

Recording Secretary

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer to send a thank you letter to Ruth Manmiller for her years of service as the Board of Supervisor's Recording Secretary. All members voted, "Aye." Motion carried.

Class Authorization

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve paying the cost of \$360.00 for Keith Shuman to take an Oxyacetylene and Electric Arc Welding Class at the Reading Muhlenberg Votech. All members voted, "Aye." Motion carried.

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Public Officials Day at the Farm Show

No Board members will be able to attend Public Officials Day at the Farm Show.

Berks County Conservation District Affiliate Membership

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to renew the Township's affiliate membership in the Berks County Conservation District. All members voted, "Aye." Motion carried.

MS4 Workshop

Systems Design Engineering, Inc. will be sending two people to the MS4 Workshop. No Board members are able to attend.

Emergency Management Meeting

The Board tabled setting a date for an Emergency Management Meeting in February until the next meeting.

Richmond Township Zoning Ordinance Change

The Board tabled comment on Richmond Township's request for comment on their proposed Zoning Ordinance changes.

Letter for the Fire Company

The Board tabled action on the letter until the Solicitor was present. The letter states that the Blandon Fire Company is the only Fire Company in the Township, the Township contributes \$35,000.00 annually to the Fire Company and provides their liability insurance. The Fire Company needs this letter for insurance purposes.

Board Table Purchase

The Board tabled action on the purchase of a new board table. Mr. Manmiller agreed to look at getting prices on a custom made table.

Request from Julie Guistwite

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve per the Maidencreek Township Personnel Rules and Regulations, the request by Julie Guistwite to take a part time cleaning job in addition to her job with the Township. All members voted, "Aye." Motion carried.

Parks and Recreation

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the time extension for the County Recreation Grant for the installation of the walking trails. All members voted, "Aye." Motion carried.

Planning Commission

Gloria Kemmerer suggested that the adhoc committee on personnel be comprised of members of the Board of Supervisors and the Planning Commission and not Township personnel because the items discussed could put Township personnel in an awkward position. Mrs. Kemmerer suggested asking the Planning Commission who would like to serve on the committee. Diane Hollenbach asked if more than one member

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of the Board of Supervisors attended, would the meeting need to be advertised. Cindy Stump asked how this new committee differed from the Personnel Committee. Roy Timpe responded that the Personnel Committee reviewed the Personnel Rules and Regulations. The new committee would be reviewing the organizational structure of the Township. Terry Manmiller asked how the Planning Commission would know what the Township Employees do. Mr. Manmiller stated that he has invited the Supervisors along with him to see the day to day operations of the Township. Roy Timpe agreed to contact the Solicitor via email concerning the committee and the Sunshine Law and if the meeting of such a committee would need to be advertised.

Recycling

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Secretary to send out one more delinquent notice to property owners who have not paid their recycling bill. All members voted, "Aye." Motion carried.

Since there was no further business, a motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adjourn the January 5, 2004 regularly scheduled Maidencreek Township Board of Supervisors Meeting. All members voted, "Aye." Motion carried. Meeting adjourned at 9:35 PM.

Recording Secretary

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